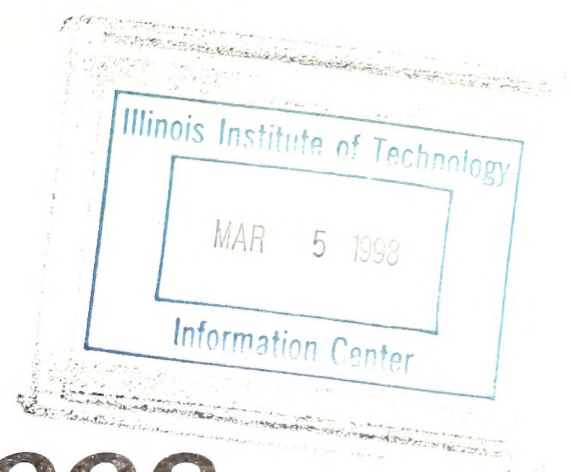
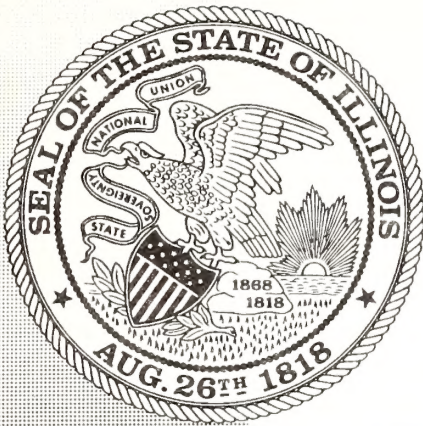


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Index Department
Administrative Code Div.
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Springfield, IL 62756
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INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

REGISTER PUBLICATION SCHEDULE 1998

Material Rec'd before Noon on:	Will be in Issue #:	Published on:	Material Rec'd before Noon on:	Will be in Issue #:	Published on:
Dec. 23, 1997	1	Jan. 2, 1998	June 30, 1998	28	July 10, 1998
Dec. 31, 1997	2	Jan. 9, 1998	July 7, 1998	29	July 17, 1998
Jan. 6, 1998	3	Jan. 16, 1998	July 14, 1998	30	July 24, 1998
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Feb. 17, 1998	9	Feb. 27, 1998	Aug. 25, 1998	36	Sept. 4, 1998
Feb. 24, 1998	10	Mar. 6, 1998	Sept. 1, 1998	37	Sept. 11, 1998
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Mar. 31, 1998	15	Apr. 10, 1998	Oct. 6, 1998	42	Oct. 16, 1998
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Apr. 28, 1998	19	May 8, 1998	Nov. 3, 1998*	46	Nov. 13, 1998
May 5, 1998	20	May 15, 1998	Nov. 10, 1998	47	Nov. 20, 1998
May 12, 1998	21	May 22, 1998	Nov. 17, 1998	48	Nov. 30, 1998*
May 19, 1998	22	May 29, 1998	Nov. 24, 1998	49	Dec. 4, 1998
May 26, 1998	23	June 5, 1998	Dec. 1, 1998	50	Dec. 11, 1998
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June 16, 1998	26	June 26, 1998	Dec. 22, 1998	1	Jan. 4, 1999*
June 23, 1998	27	July 6, 1998*	Dec. 29, 1998	2	Jan. 8, 1999

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

* Monday

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

1) Heading of the Part: Consignment of Licenses, Stamps and Permits

2) Code Citation: 17 Ill. Adm. Code 2520

3) Section Numbers: Proposed Action:

2520.10 Amendments

2520.20 Amendments

2520.50 Amendments

4) Statutory Authority: Implementing and authorized by Sections 1.4, 3.1, 3.2, 3.37, 3.38 and 3.39 of the Wildlife Code [520 ILCS 5/1.4, 3.1, 3.2, 3.37, 3.38 and 3.39] and Sections 1-125, 20-5, 20-10, 20-30, 20-45, 20-55 and 20-120 of the Fish and Aquatic Life Code [515 ILCS 5/1-125, 20-5, 20-10, 20-30, 20-45, 20-55 and 20-120]

5) A Complete Description of the Subjects and Issues Involved: Amendments are being made to this Part to change the qualifications for preferred status; add the pilot program license and stamps; and change deer archery combination permits to archery permits to accommodate deer and turkey.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rule may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price

Department of Natural Resources

524 S. Second Street

Springfield, IL 62701-1787

217/782-1809

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Persons selling licenses, stamps and permits

B) Reporting, bookkeeping or other procedures required for compliance:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

Vendors must keep track of licenses, stamps and permits sold and remit the proper fees for such sales. Unsold licenses and stamps must be returned at the end of the year.

C) Types of professional skills necessary for compliance: No professional skills are required.

13) Regulatory Agenda on which this rule was summarized: This rule was not included on either of the 2 most recent agendas because: The Department neglected to file a regulatory agenda on this Part.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 17: CONSERVATION
 CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
 SUBCHAPTER f: ADMINISTRATIVE SERVICES

PART 2520
 CONSIGNMENT OF LICENSES, STAMPS AND PERMITS

Section 2520.10	Consignment Requirements
2520.20	Issuing Licenses, Stamps and Permits
2520.30	Terms
2520.40	Credit to Vendor Accounts
2520.50	Issuance of Replacement Hunting, Fishing and Trapping Licenses, Stamps and Permits

AUTHORITY: Implementing and authorized by Sections 1.4, 3.1, 3.2, 3.37, 3.38 and 3.39 of the Wildlife Code [520 ILCS 5/1.4, 3.1, 3.2, 3.37, 3.38 and 3.39] and Sections 1-125, 20-5, 20-10, 20-30, 20-45, 20-55 and 20-120 of the Fish and Aquatic Life Code [515 ILCS 5/1-125, 20-5, 20-10, 20-30, 20-45, 20-55 and 20-120].

SOURCE: Adopted and codified at 7 Ill. Reg. 8760, effective July 15, 1983; amended at 8 Ill. Reg. 5660, effective April 16, 1984; amended at 9 Ill. Reg. 14626, effective September 17, 1985; amended at 11 Ill. Reg. 4633, effective March 10, 1987; amended at 15 Ill. Reg. 7653, effective May 7, 1991; amended at 16 Ill. Reg. 8479, effective May 26, 1992; amended at 18 Ill. Reg. 9991, effective June 21, 1994; amended at 19 Ill. Reg. 7541, effective May 26, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 20 Ill. Reg. 14417, effective October 25, 1996; amended at 21 Ill. Reg. 6483, effective May 19, 1997; amended at 22 Ill. Reg. _____, effective _____.

Section 2520.10 Consignment Requirements

- a) The Department of Natural Resources (DNR) has the authority to designate agents to sell licenses, stamps and permits on behalf of the Department. DNR consigns hunting, fishing, trapping and ginseng harvester licenses, migratory waterfowl, salmon and wildlife conservation stamps, and deer archery combination permits, hereinafter referred to as licenses, stamps and permits, for sale by county, city, village, township and incorporated town clerks, upon receipt of their completed application and elected official license vendor contract, and fulfillment of requirements set forth in this part. The Department also consigns the licenses, stamps and permits to other persons, hereinafter referred to as "direct agents", upon receipt of their completed application, license vendor contract, evidence of financial responsibility, and fulfillment of the requirements set

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forth in this Part. The term "direct agent" means all persons authorized by the Department to sell licenses, stamps and permits other than elected or appointed officials and department employees. License vendors, including employees of the Department selling licenses, stamps and permits, shall collect an issuing fee in addition to the license, stamp and permit fee as provided in 515 ILCS 5/20-120 and 520 ILCS 5/3.37 as follows: 75 cents for each Sportsmen's Combination license and non-resident hunting license, and 50 cents for all other licenses, stamps and permits authorized by the above statutes. All licenses, stamps and permits consigned and fees collected from the sale of licenses, stamps and permits (except the authorized issuing fee) remain the property of the State of Illinois. Funds received from the sale of licenses, stamps and permits (except the authorized issuing fee) shall not be directed to any purpose other than remittance to the Department.

- b) County, city, village, township and incorporated town clerks may appoint sub-agents within the territorial area for which they are elected or appointed. Elected or appointed officials and Department employees selling licenses, stamps and permits are liable to the State for all licenses, stamps and permits consigned to their account, including any licenses, stamps and permits furnished by a clerk to any sub-agent. Any clerk appointing sub-agents must notify the Department, within 10 days following the appointment, the names and mailing addresses of such sub-agents. No part of the issuing fees collected may be retained as personal compensation by the clerk. Issuing fees may be divided between the clerk and appointed sub-agents other than employees of the Clerk's office, but in no case may any clerk and/or sub-agent charge an issuing fee or fees totaling more than the amounts set out in subsection (a) of this Section. DNR assumes no liability for any license, stamp or permit furnished by any elected or appointed clerk to any sub-agent.

- c) All direct agents, including concessionaires holding contracts with the Department shall be required to furnish DNR with evidence of financial responsibility. Such evidence shall be in the form of a surety bond, letter of credit or certificate of deposit, in an amount equal to the value of licenses, stamps and permits consigned with the exception of direct agents with a preferred status. Direct agents must meet the following qualifications to receive a preferred status:
- 1) The direct agent must sell licenses, stamps and permits for one complete license year.
 - 2) The Department must have received a minimum of 10 monthly current license year remittances or no sales reports between March and December (inclusive) 10-or-more-remittances-or-no-sales-reports during-the-previous-license-year.

If these qualifications are met the direct agent's consignments may total 50% over the amount of their financial evidence. All direct agents with a preferred status will be reviewed annually. If qualifications have been met, the preferred status will continue for

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

the following license year. If the qualifications have not been met, the preferred status is removed and the direct agent will be assigned licenses, stamps and permits equal to the amount of financial evidence. Surety bonds and letters of credit shall be on a form furnished by and approved by DNR, with surety or sureties satisfactory to DNR, conditioned upon such agents paying to the State of Illinois all monies becoming due by reason of the sale of licenses, stamps and permits. No direct agent may appoint sub-agents.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 2520.20 Issuing Licenses, Stamps and Permits

- a) License, stamp and permit forms shall be filled out accurately and legibly at the time of issuance, and the full amount shall be collected as shown on the license face. In the case of stamps, the license fee plus the authorized issuing fee shall be collected, if the issuing fee is not shown on the face of the stamp. Vendors shall not back-date or issue an undated license.
- b) The application portion of each license shall be retained by the issuing clerk or agent until the license issued expires, except in the case of trapping licenses, goose permit stubs, habitat stamps, ginseng harvester licenses, ~~and deer~~ archery ~~combination~~ permits, resident hunting licenses and habitat stamps, non-resident hunting licenses and habitat stamps and resident sportsmen's license and habitat stamps for which the completed application must accompany the remittance.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 2520.50 Issuance of Replacement Hunting, Fishing and Trapping Licenses, Stamps and Permits

- a) The Department will issue replacements for lost hunting, fishing, Sportsman's Combination, Ginseng harvester, commercial licenses and permits, trapping licenses, Illinois stamps and ~~deer~~ archery ~~combination~~ permits. A fee of \$3.00 per license, stamp or permit will be charged to defray the cost of handling.
- b) The Department will issue replacements at no cost when the Department loses the sportsman's hunting, fishing, Sportsman's Combination, Ginseng Harvester, or trapping licenses, stamps or ~~deer~~ archery ~~combination~~ permits.
- c) The procedure for obtaining a replacement license, stamp or permit is as follows:
 - 1) Individual loss - The individual requesting the replacement should obtain from the vendor from which the original license, stamp or permit was purchased, a copy (or the original) of the

DEPARTMENT OF NATURAL RESOURCES

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license, stamp or permit application. If the application is unavailable, the individual may obtain "a Replacement License/Stamp/Permit Application" from any license vendor or the Department. "A Replacement License/Stamp/Permit Application" must be notarized to ensure that the application is accurate and non-fraudulent. The copy of the original application, or properly completed and notarized "A Replacement License/Stamp/Permit Application" should then be forwarded with the \$3.00 fee per license, stamp or permit to any of the following offices:

- A) Illinois Department of Natural Resources
P.O. Box 19459
Springfield, IL 62794-9459
- B) Illinois Department of Natural Resources
2612 Locust Street
Sterling, IL 61081
- C) Illinois Department of Natural Resources
110 James Road
Spring Grove, IL 60081
- D) Illinois Department of Natural Resources
2005 Round Barn Road
Champaign, IL 61821
- E) Illinois Department of Natural Resources
4521 Alton Commerce Parkway
Alton, IL 62002
- F) Illinois Department of Natural Resources
11731 State Highway 37
Benton, IL 62812
- G) Illinois Department of Natural Resources
100 West Randolph
Suite 4 - Room 300
Chicago, IL 60601

- 2) Department loss - The Department location requesting the replacement should complete on agency letterhead a request for a replacement and forward the request to: Department of Natural Resources, Replacements, 524 S. Second Street, Springfield, IL 62701. The request should be completed in triplicate with one copy retained at the location and one copy given to the person whose license, stamp or permit was lost. This copy of the request will allow the person to hunt or fish in the interim between receiving a replacement. Information contained in the replacement request letter must include:
 - A) date of the letter;
 - B) indication that the letter may be used by the person in lieu of a license, stamp or permit for up to 30 days from the date on the letter;
 - C) Department location requesting the replacement (including address and contact phone number);

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- D) the name, complete mailing address, county of residence, date of birth, height, weight, hair color, eye color and daytime phone number of the person receiving the replacement;
- E) indication of what licenses, stamps or permits need to be replaced;
- F) the printed or typed names and signatures and the date of signature of the authorized persons at the Department location issuing the replacement letter and the location supervisor.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Operation of Watercraft Carrying Passengers for Hire on Illinois Waters
- 2) Code Citation: 17 Ill. Adm. Code 2080
- 3) Section Numbers: Proposed Action:
2080.50 Amendments
2080.60 Amendments
2080.75 New Section
- 4) Statutory Authority: Implementing and authorized by Sections 2-1, 2-2, 7-1, 7-2, 7-3, 7-4, 7-5, 7-6, 7-7, 7-8, 7-9 and 8-3 of the Boat Registration and Safety Act [625 ILCS 45/2-1, 2-2, 7-1, 7-2, 7-3, 7-4, 7-5, 7-6, 7-7, 7-8, 7-9 and 8-3].
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to add provisions for the assurance that small rental boats handled through concessions are safe for use by the public and add a Section requiring that renters provide the Department with a statement each year when their license to operate is renewed certifying that their boats are safe for rental use.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rule may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price
Department of Natural Resources
524 S. Second Street
Springfield, IL 62701-1787
217/782-1809

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Owners of watercraft carrying passengers for

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

hire.

- B) Reporting, bookkeeping or other procedures required for compliance: Owner is required to submit a marine inspection report for licensing. Owner is required to submit to a dockside marine inspection annually and a dry dock inspection every 5 years.

- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rule was summarized: This rule was not included on either of the 2 most recent agendas because: The Department neglected to file a regulatory agenda on this Part.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION

CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

SUBCHAPTER e: LAW ENFORCEMENT

PART 2080

OPERATION OF WATERCRAFT CARRYING PASSENGERS

FOR HIRE ON ILLINOIS WATERS

Section

2080.10	Introduction
2080.20	Definitions
2080.30	Applicability
2080.40	Dry Dock Inspection
2080.50	Dockside Inspection
2080.60	Licensing Requirements
2080.70	License and Decal
2080.75	Rental Boats
2080.80	Misuse of License or Decal
2080.90	Suspension and Revocation of Decals and Licenses

AUTHORITY: Implementing and authorized by Sections 2-1, 2-2, 7-1, 7-2, 7-3, 7-4, 7-5, 7-6, 7-7, 7-8, 7-9 and 8-3 of the Boat Registration and Safety Act [625 ILCS 45/2-1, 2-2, 7-1, 7-2, 7-3, 7-4, 7-5, 7-6, 7-7, 7-8, 7-9 and 8-3].

SOURCE: Adopted at 20 Ill. Reg. 15697, effective December 2, 1996; amended at 22 Ill. Reg. _____, effective _____.

Section 2080.50 Dockside Inspection

a) Annual Inspection

All watercraft subject to this Part shall be inspected annually under the provisions of this Section, except as provided in Section 2080.40 of this Part.

- b) Inspection Procedures for Watercraft Carrying More Than Six Passengers For Hire, as defined by the United States Coast Guard in 46 CFR Subchapters T, K, K', and H.

The owner of a vessel shall, at the dockside inspection, submit his vessel for inspection by a marine inspector and shall operate or cause to be operated all equipment and systems to the extent necessary to determine that the vessel is being maintained and operated in accordance with good marine practices and standards, and the condition of the vessel structure, equipment and systems are satisfactory for safe and constant operation.

c) Main Engine Gauges - Inboard or Inboard/Outboard

- 1) On vessels designed for inboard or inboard/outboard (sterndrive) main engines, both of the following gauges shall be present.

A) A gauge to indicate main engine cooling water temperature for each main engine. A gauge shall be readable from each

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helm position.

- B) A gauge to indicate main engine lubrication oil pressure for each main engine. A gauge shall be readable from each helm position.

- 2) All gauges installed on a vessel shall be in good and serviceable condition.

d) Personal Flotation Devices

- 1) At least one Coast Guard approved, wearable type personal flotation device of a proper size for each person, including the crew, shall be provided and carried onboard. Each device shall be inspected at the dockside inspection.

- 2) Each wearable type personal flotation device carried aboard the vessel shall have affixed to it, in a suitable manner, 200 square centimeters (31.5 sq. in.) of Coast Guard approved retro-reflective material to the outside front of each device and 200 square centimeters (31.5 sq. in.) to the outside back inside of each device.

- 3) Personal flotation devices shall be carried in suitable locations which are readily accessible to the passengers onboard. The locations shall be designed to allow the devices carried to float free when practical.

- 4) When personal flotation devices are carried so that they are readily accessible, but not readily visible to the passengers, the container shall be marked "LIFE PRESERVERS" and the number of devices contained therein shall be listed. The letters and numbers shall be at least 1 inch high and shall be a color contrasting to the color of the container. The container shall also indicate the size of the devices contained therein. Differing sizes shall be separately stored.

- 5) On documented watercraft, all required personal flotation devices shall be marked with the vessel's name in characters at least 1 inch high in a color contrasting to the color of the device.

- 6) On undocumented watercraft, all required personal flotation devices shall be marked with the watercraft's registration number in characters at least 1 inch high in a color contrasting to the color of the device.

- 7) Aboard each watercraft shall be a Type IV personal flotation device, which shall comply with all of the following requirements:

A) Be readily accessible in a suitable location.

B) Have attached not less than 50 feet of line.

C) Be marked as required by subsections (d)(5) and (d)(6) of this Section.

- 8) When the inspector determines that any personal flotation device required to be carried on board a vessel is not in good and serviceable condition, the owner of the vessel shall permit the marine inspector to note, in writing, on the personal flotation device that the device is no longer serviceable. The owner of

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the vessel shall replace the non-serviceable devices immediately and such defective devices shall be replaced prior to further use of the vessel.

e) Fire Fighting Equipment

- 1) A vessel shall be equipped with a U.S. Coast Guard approved portable fire extinguisher which shall be located accessible to helmsman's position.

- 2) All fire extinguishers shall be examined monthly to make certain that they have not been tampered with and have not suffered corrosion or damage.

- 3) All foam extinguishers shall be discharged, cleaned, and inspected for mechanical defects or serious corrosion and recharged annually.

- 4) All dry chemical extinguishers shall be kept full with the specified weight of chemical at all times. The cartridge shall be reweighed annually. It shall be recharged if the cartridge is found to weigh less than the minimum weight stamped thereon, or when the pressure is below prescribed operating limits.

- 5) All carbon dioxide extinguishers shall be reweighed annually, and a cylinder found lighter than the weight indicated on the name plate shall be recharged.

- 6) Maintenance required in subsections (d)(2) through (5) of this Section shall be performed by a qualified fire fighting equipment repair service.

f) First Aid Kit and Emergency Procedures List

- 1) A minimum of one first aid kit containing at least 16 units shall be provided and maintained onboard the watercraft.

- 2) An emergency procedures list shall be posted aboard the vessel in a conspicuous location. The list shall set forth, at a minimum, all of the following informational items:

A) Radio Procedure (if a marine radio is required under subsection (i))

i) Switch to Channel 16;

ii) Call the Coast Guard;

iii) Give boat name, registration number, radio call sign;

iv) Identify the boat size, description, and color;

v) Give your location or compass heading to a known point; and

vi) Describe the emergency.

B) Leaks or Damage Control

i) Put on life jackets (PFD), open deck hatches, look for leaks;

ii) Start bilge pump, get manual pumps or buckets;

iii) Shut off engine only if leak may be from engine hoses;

iv) If hull is damaged and engine is inboard (not stern drive), shut off engine, close sea cock, disconnect intake water hose, place end in bilge, restart engine to act as bilge pump.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- C) Fire or Explosion
- Be ready to go overboard with personal flotation device (life jacket);
 - Reduce air to fire area - leave hatches closed, close doors, shut off electric supply;
 - Use extinguisher, if possible;
 - Jettison burning material, if possible;
 - Use radio procedure above, calling "MAYDAY, MAYDAY, MAYDAY";
 - Prepare to abandon ship, get signal flares or flags, throw flotation material overboard;
 - If you abandon ship, stay together, use distress signals when help is in sight, gather additional flotation material around you.
- D) Man Overboard
- Shout "MAN OVERBOARD" - continuously watch person in the water, point direction so skipper can maneuver to retrieve;
 - Stop engine (propeller rotation) if person overboard is near the boat;
 - Throw life ring, seat cushion, or marker light in the area of the person;
 - Do not jump into the water to assist.
- g) Visual Distress Signals
- A vessel which operates on navigable waters of this State, Carlyle Lake, Lake Shelbyville, or Rend Lake shall have onboard the appropriate number and type of U.S. Coast Guard approved visual distress signals as are required for that vessel if it were operated on Lake Michigan.
 - All pyrotechnic aerial red flares and pyrotechnic hand-held or floating orange smoke shall be U.S. Coast Guard approved and shall not have passed the expiration date printed on the device.
 - A person shall not display a visual distress signal on the waters of the State, except in an emergency.
 - A vessel shall have onboard at least one portable battery-operated light (flashlight), powered by D-cells or larger size batteries, which is in good and serviceable condition and readily accessible.
- h) Cooking and Heating Appliances
- Cooking appliances aboard a watercraft shall be operated only by the owner, the operator, or a crew member.
 - Cooking and heating appliances, when present on a watercraft, shall be of a type commonly manufactured for use aboard watercraft.
 - Cooking and heating appliances, when present on a watercraft, shall be installed in adequately ventilated areas and shall be secured to the vessel.
- i) Marine Radio and Compass

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- A vessel which operates on the navigable waters of this State shall have onboard a marine band radio which is in good working condition ~~and shall be in possession of a valid Federal Communications Commission radio license for that vessel.~~
 - A vessel which operates on the navigable waters of this State shall have onboard a suitable marine-type compass which is in good and serviceable condition.
- j) Toilet and Sanitary Facilities
- All watercraft, except open boats and watercraft where suitable privacy enclosures are not practical, shall be equipped with one marine toilet. The toilet shall be connected to a permanently installed holding tank, which allows for dockside pumpout at approved sanitary disposal facilities.
 - The use of Y valves or other means which would allow for overboard discharge directly or indirectly into the waters of the State is prohibited.
 - Marine toilets shall be maintained in a serviceable and sanitary condition.
- k) Anchor and Anchor Line
- A vessel shall be equipped with one anchor of a suitable size and type, and an appropriate length of suitable anchor line which is readily available onboard the vessel, except that a vessel operating on the waters of Lake Michigan shall be equipped with not less than 150 feet of suitable anchor line.
 - Any line, when attached to the required anchor, shall be attached by eyesplice, thimble, and shackle.
- Inspection Procedures for Watercraft Carrying Not More Than Six Passengers, as defined by the United States Coast Guard. The owner of a vessel shall, at the dockside inspection, submit his vessel for inspection by an independent certifier and shall operate or cause to be operated all equipment and systems to the extent necessary to determine that the vessel is in compliance with subsections (d) through (k).
 - Inspection Exemption. Watercraft registered in another state which have been inspected under similar provisions in that state shall not be required to be inspected under the provisions of this Section.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 2080.60 Licensing Requirements

- a) Navigable Waters (U.S. Coast Guard License)
- All persons operating watercraft carrying passengers on the navigable waters of this State shall have a license issued to them by the United States Coast Guard authorizing the operation of navigation of vessels carrying passengers for hire, under the

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- provisions of 46 CFR Subchapters T, K, K', and H.
- 2) Licensed operators shall only be authorized to operate vessels designated by the license, and on bodies of water so designated on the license.
 - 3) The license shall be kept in full force and effect and conspicuously displayed and shall be framed under transparent material. Where posting is impractical, the license shall be carried onboard to be shown on demand.
 - 4) All persons operating watercraft carrying passengers for hire on the navigable waters of this state shall carry on board the vessel at all times proof of compliance with U.S. Coast Guard Drug Testing Regulations (46 CFR 16 and 49 CFR 40).
 - b) Inland Waters
No U.S. Coast Guard license, as described in subsection (a), shall be required for watercraft operating solely on inland waters.
(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 2080.75 Rental Boats

The operators of boat rental services shall provide to the Department each time their license is renewed, a statement certifying that each boat offered for rent is of sound construction and is safe for use on the water. All rental boats shall be subject to periodic, unannounced inspections by the Department to ensure that they are being suitably maintained for safe public use.

(Source: Added at 22 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Management of Used and Waste Tires
 - 2) Code Citation: 35 Ill. Adm. Code 848
 - 3) Section Numbers: Proposed Action:
848.104 Amended
 - 4) Statutory Authority: 415 ILCS 5/5, 21, 21.1, 22, 22.17, 22.40, and 27
 - 5) A Complete Description of the Subjects and Issues Involved: A more complete description of this rule may be found in the Board's opinion and order of February 5, 1998 in R98-9. The Board is adding definitions for "Recyclable Tire", "Tire Carcass", and "Tire Derived Fuel". The Board is amending the definitions of "Tire Retreader", "Tire Storage Site", "Tire Storage Unit", and "Tire Transporter". These amendments are necessary for consistency with P.A. 89-200, effective January 1, 1996.
 - 6) Will this proposed rule replace an emergency rule currently in effect? No
 - 7) Does this rulemaking contain an automatic repeal date? No
 - 8) Does this proposed rule contain incorporations by reference? No
 - 9) Are there any other proposed amendments pending on this Part? No
 - 10) Statement of Policy Objectives: This rulemaking neither creates nor expands a State mandate.
 - 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments concerning this rulemaking should reference R98-09 and be sent to:

Dorothy Gunn
Clerk of the Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, IL 60601
312-814-6931
- Questions regarding this proposal may be directed to Marie E. Tipsord at 312-814-4925.
- 12) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses affected: This will affect owners and operators of any facility which manages used and waste tires.
 - B) Reporting, bookkeeping, or other procedures required for compliance:

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None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: December 1997

The full text of the Proposed Rule(s) begins on the next page:

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NOTICE OF PROPOSED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER m: USED AND WASTE TIRES

PART 848
MANAGEMENT OF USED AND WASTE TIRES

SUBPART A: GENERAL

Section
848.101
848.102
848.103
848.104
848.105

Applicability
Severability
Other Regulations
Definitions
Incorporation by Reference

SUBPART B: MANAGEMENT STANDARDS

Section
848.201
848.202
848.203
848.204
848.205
848.206
848.207
848.208

Applicability
Requirements
Contingency Plan
Storage of Used and Waste Tires Within Buildings
Pesticide Treatment
Exemptions for Tire Retreading Facilities
Exemptions for Tire Stamping & Die Cutting Facilities
Exemptions for Sites With a Tire Removal Agreement

SUBPART C: RECORDKEEPING AND REPORTING

Section
848.301
848.302
848.303
848.304
848.305
848.306

Applicability
Records
Daily Tire Record
Annual Tire Summary
Retention of Records
Certification

SUBPART D: FINANCIAL ASSURANCE

Section
848.400
848.401
848.402
848.403
848.404
848.406

Scope and Applicability
Upgrading Financial Assurance
Release of Financial Institution
Application of Proceeds and Appeal
Removal Cost Estimate
Mechanisms for Financial Assurance

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848.407 Use of Multiple Financial Mechanisms
 848.408 Use of a Financial Mechanism for Multiple Sites
 848.410 Trust Fund
 848.413 Letter of Credit
 848.415 Self-Insurance for Non-commercial Sites

SUBPART E: TIRE REMOVAL AGREEMENTS

Section
 848.501 Applicability
 848.502 Removal Performance Standard
 848.503 Contents of Proposed Tire Removal Agreements
 848.504 Time Allowed for Tire Removal
 848.505 Removal Plan
 848.506 Initiation of Tire Removal
 848.507 Certification of Removal Completion
 848.508 Agency Approval
 848.509 Board Review

SUBPART F: TIRE TRANSPORTATION REQUIREMENTS

Section
 848.601 Tire Transportation Prohibitions
 848.602 Tire Transportation Registrations
 848.603 Agency Approval of Registrations
 848.604 Registration No Defense
 848.605 Duration and Renewal
 848.606 Vehicle Placarding

APPENDIX A Financial Assurance Forms

ILLUSTRATION A "Trust Agreement"
 ILLUSTRATION B "Certification of Acknowledgement"
 ILLUSTRATION C "Irrevocable Standby Letter of Credit"
 ILLUSTRATION D "Owner or Operator's Bond Without Surety"
 ILLUSTRATION E "Owner or Operator's Bond With Parent Surety"
 ILLUSTRATION F "Letter from the Chief Financial Officer"

AUTHORITY: Implementing Section 55.2 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/55.2 and 27].

SOURCE: Adopted in R90-9(A) at 15 Ill. Reg. 7959, effective May 10, 1991; amended in R90-9(B) at 16 Ill. Reg. 3114, effective February 14, 1992; amended in R98-9 at 22 Ill. Reg. _____, effective _____.

NOTE: In this Part, superscript numbers or letters are denoted by parentheses; subscripts are denoted by brackets.

Section 848.104 Definitions

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For the purposes of this Part, except as the context otherwise clearly requires, the words and terms defined in this Section shall have the meanings given herein. Words and terms not defined shall have the meanings otherwise set forth in the Act and regulations adopted thereunder.

"Act" means the Illinois Environmental Protection Act [415 ILCS 5/ ~~111-1-1989, ch. 111-1/2-par. 1001-et-seq.~~].

"Aisle" means an accessible clear space between storage piles or groups of piles suitable for housekeeping operations, visual inspection of piling areas and initial fire fighting operations.

"Altered Tire" means a used tire which has been altered so that it is no longer capable of holding accumulations of water, including, but not limited to, used tires that have been shredded, chopped, drilled with holes sufficient to assure drainage, slit longitudinally and stacked so as not to collect water, or wholly or partially filled with cement or other material to prevent the accumulation of water. "Alteration" or "altering" means action which produces an altered tire. (Section 54.01 of the Act)

"Converted Tire" means a used tire which has been manufactured into a usable commodity other than a tire. "Conversion" or "Converting" means action which produces a converted tire. Usable products manufactured from tires, which products are themselves capable of holding accumulations of water, shall be deemed to be "Converted" if they are stacked, packaged, boxed, containerized or enclosed in such a manner as to preclude exposure to precipitation prior to sale or conveyance. (Section 54.02 of the Act)

"Covered Tire" means a used tire located in a building, vehicle or facility with a roof extending over the tire, or securely located under a material so as to preclude exposure to precipitation. (Section 54.03 of the Act)

"Disposal" means the placement of used tires into or on any land or water except as an integral part of systematic reuse or conversion in the regular course of business. (Section 54.04 of the Act)

"New Tire" means a tire which has never been placed on a vehicle wheel rim. (Section 54.05 of the Act)

"Processing" means the altering, converting or reprocessing of used or waste tires. (Section 54.06 of the Act)

"Recyclable Tire" means a used tire which is free of permanent physical damage and maintains sufficient tread depth to allow its use through resale or repairing. (Section 54.06(a) of the Act)

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"Reprocessed Tire" means a used tire which has been recapped, retreaded or regrooved and which has not been placed on a vehicle wheel rim. (Section 54.07 of the Act)

"Retread" or "Retreading" means the process of attaching tread to the casing of used tires.

"Reused Tire" means a used tire that is used again, in part or as a whole, by being employed in a particular function or application as an effective substitute for a commercial product or fuel without having been converted. (Section 54.08 of the Act)

"Storage" means any accumulation of used tires that does not constitute disposal. At a minimum, such an accumulation must be an integral part of the systematic alteration, reuse, reprocessing or conversion of the tire in the regular course of business. (Section 54.09 of the Act)

"Tire" means a hollow ring, made of rubber or similar materials, which was manufactured for the purpose of being placed on the wheel rim of a vehicle. (Section 54.10 of the Act)

"Tire carcass" means the internal part of a used tire containing the plies, beads, and belts suitable for retread or remanufacture. (Section 54.10(a) of the Act)

"Tire derived fuel" means a product made from used tires to exact specification of a system designed to accept a tire derived fuel as a primary or supplemental fuel source. (Section 54.10(b) of the Act)

"Tire disposal site" means a site where used tires have been disposed of other than at a landfill permitted by the Agency, or operated in accordance with Section 55(d) of the Act. (Section 54.11 of the Act)

"Tire retreader" means a person or firm that retreads or remanufactures tires. (Section 54.11(a) of the Act) ~~"Tire retreader" means a person who retreads used tires.~~

"Tire Storage Site" means a site where used tires are stored or processed, other than the site at which the tires were separated from the vehicle wheel rim, the site where the used tires were accepted in trade as part of a sale of new tires, or a site at which both new and used tires are sold at retail in the regular course of business, and at which not more than 250 used tires are kept at any time or a facility at which tires are sold at retail provided that the facility maintains less than 1300 recyclable tires, 1300 tire carcasses, and 1300 used tires on site and those tires are stored inside a building so that they are prevented from accumulating water. (Section 54.12 of

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the Act)

"Tire Storage Unit" means a pile of tires or a group of piles of tires at a storage site. (Section 54.12(a) of the Act) ~~"Tire Storage Unit" means a pile of tires or a group of piles of tires at a tire storage site.~~

"Tire Transporter" means a person who transports used or waste tires in a vehicle. (Section 54.12(b) of the Act) ~~"Tire Transporter" means a person who transports used or waste tires in a vehicle.~~

"Used Tire" means a worn, damaged or defective tire which is not mounted on a vehicle wheel rim. (Section 54.13 of the Act)

"Vector" means arthropods, rats, mice, birds or other animals capable of carrying disease-producing organisms to a human or animal host.

"Vector" does not include animals that transmit disease to humans only when used as human food. (Section 54.14 of the Act)

"Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn, except devices moved by human power or by animal power, devices used exclusively upon stationary rails or tracks, and motorized wheelchairs. (Section 54.15 of the Act)

"Waste Tire" means a used tire that has been disposed of. (Section 54.16 of the Act)

(Source: Amended at 22 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Procedural Requirements for Permitted Landfills

- 2) Code Citation: 35 Ill. Adm. Code 813

- 3) Section Numbers:

813.103	Amended
813.501	Amended
813.502	Amended
813.503	Amended
813.504	New

- 4) Statutory Authority: 415 ILCS 5/5, 21, 21.1, 22, 22.17, 22.40, and 27

- 5) A Complete Description of the Subjects and Issues Involved: A more complete description of this rule may be found in the Board's opinion and order of February 5, 1998 in R98-9. These amendments were proposed to the Board on August 11, 1997 by the Illinois Environmental Protection Agency and the National Solid Waste Management Association. In general, there are four reasons for the amendments: (1) to ease certain requirements that drive up costs without a commensurate environmental benefit; (2) to modify or eliminate requirements that the proponents believe are no longer technically defensible; (3) to ensure uniformity in the Board's rules; and (4) to remain consistent with the federal Resource Conservation and Recovery Act Subtitle D program. More specifically, the changes to Part 813 include adding a new section regarding annual reports and requiring an annual certification to be filed with the Illinois Environmental Protection Agency (IEPA). The amendments also allow IEPA to request groundwater monitoring results in graphical form. The amendments also provide that any permit modification filed without a waiver of the IEPA's statutory decision deadline and filed within 30 days after the statutory decision deadline is a new application which restarts the decision deadline.

- 6) Will this proposed rule replace an emergency rule currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this proposed rule contain incorporations by reference? No

- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Policy Objectives: This rulemaking neither creates nor expands a State mandate.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments concerning this rulemaking should reference R98-9 and be sent to:

POLLUTION CONTROL BOARD

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Dorothy Gunn
Clerk of the Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, IL 60601
312-814-6931

Questions regarding this proposal may be directed to Marie E. Tipsord at 312-814-4925.

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses affected: This will affect owners and operators of municipal solid waste landfills in Illinois.
B) Reporting, bookkeeping, or other procedures required for compliance: None

- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: December 1997

The full text of the Proposed Amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER I: SOLID WASTE AND SPECIAL WASTE HAULING

PART 813

PROCEDURAL REQUIREMENTS FOR PERMITTED LANDFILLS

SUBPART A: GENERAL PROCEDURES

Section	
813.101	Scope and Applicability
813.102	Delivery of Permit Application
813.103	Agency Decision Deadlines
813.104	Standards for Issuance of a Permit
813.105	Standards for Denial of a Permit
813.106	Permit Appeals
813.107	Permit No Defense
813.108	Term of Permit
813.109	Transfer of Permits
813.110	Adjusted Standards to Engage in Experimental Practices
813.111	Agency Review of Contaminant Transport Models

SUBPART B: ADDITIONAL PROCEDURES FOR MODIFICATION AND SIGNIFICANT MODIFICATION OF PERMITS

Section	
813.201	Initiation of a Modification or Significant Modification
813.202	Information Required for a Significant Modification of an Approved Permit
813.203	Specific Information Required for a Significant Modification to Obtain Operating Authorization
813.204	Procedures for a Significant Modification of an Approved Permit

SUBPART C: ADDITIONAL PROCEDURES FOR THE RENEWAL OF PERMITS

Section	
813.301	Time of Filing
813.302	Effect of Timely Filing
813.303	Information Required for a Permit Renewal
813.304	Updated Groundwater Impact Assessment
813.305	Procedures for Permit Renewal

SUBPART D: ADDITIONAL PROCEDURES FOR INITIATION AND TERMINATION OF TEMPORARY AND PERMANENT CLOSURE AND POSTCLOSURE CARE

Section	
813.401	Agency Notification Requirements

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813.402 Certification of Closure

813.403 Termination of the Permit

SUBPART E: CERTIFICATION AND REPORTS TO BE FILED WITH THE AGENCY

Section 813.501 Annual Certification Reports

813.502 Quarterly Groundwater Reports and Graphical Results of Monitoring Efforts

813.503 Information to be Retained at or near the Waste Disposal Facility

813.504 Annual Report

AUTHORITY: Implementing Sections 5, 21, 21.1, 22, 22.17 and 28.1, and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/5, 21, 21.1, 22, 22.17, 28.1 and 27].

SOURCE: Adopted in R88-7 at 14 Ill. Reg. 15814, effective September 18, 1990; amended in R92-19 at 17 Ill. Reg. 12409, effective July 19, 1993; expedited correction at 18 Ill. Reg. 7501, effective July 19, 1993; amended in R90-26 at 18 Ill. Reg. 12388, effective August 1, 1994; amended in R98-9 at 22 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROCEDURES

Section 813.103 Agency Decision Deadlines

- If there is no final action by the agency within 90 days after the filing of the application for permit, the applicant may deem the permit issued; except that this time period shall be extended to 180 days when:
 - Notice and opportunity for public hearing are required by state or federal law or regulation, or
 - The application which was filed is for any permit to develop a landfill. (Section 39 of the Act)
- An application for permit pursuant to this Subpart shall not be deemed to be filed until the Agency has received all information and documentation in the form and with the content required by this Part and 35 Ill. Adm. Code 811, 812, and 814. However, if, pursuant to the standards of Section 813.105, the Agency fails to notify the applicant within 30 days after the filing of a purported application that the application is incomplete and the reason the Agency deems it incomplete, the application shall be deemed to have been filed as of the date of such purported filing as calculated pursuant to Section 813.102. The applicant may treat the Agency's notification that an application is incomplete as a denial of the application for the purposes of review pursuant to Section 813.106.
- The applicant may waive the right to a final decision in writing prior to the applicable deadline in subsection (a).

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- d) The applicant may modify a permit application at any time prior to the Agency decision deadline date, provided that, for any permit application modification received by the Agency within 30 days after the Agency decision deadline, the applicant waives the Agency decision deadline for 30 days from the date of receipt of the modification, to allow the Agency time to determine whether the modification meets the definition of significant modification and, for permit applications, modifications not meeting the definition of significant modification, to take final action. Any modification of a permit application that would otherwise be considered a significant modification of an approved permit shall constitute a new application for the purposes of calculating the Agency decision deadline date. The Agency shall notify the applicant in writing within 30 days after the filing of a proposed permit modification if it deems the modification to be a significant modification. A determination by the Agency as to whether a modification is a significant modification is a final determination, appealable in the manner provided for the review of permit decisions under Section 40 of the Act. The Agency's decision deadline date shall be stayed as of the date of such written notice of the Agency's determination during the pendency of any timely-filed appeal challenging such an Agency determination.
- e) The Agency shall mail all notices of final action by registered or certified mail, post marked with a date stamp and with return receipt requested. Final action shall be deemed to have taken place on the post marked date that such notice is mailed.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART E: CERTIFICATION AND REPORTS TO BE FILED WITH THE AGENCY

Section 813.501 Annual Certification Reports

a) All permitted landfills shall submit an annual certification annual reports to the Agency during operation and for the entire postclosure monitoring period. Such certification shall be signed by the operator or duly authorized agent as specified in 35 Ill. Adm. Code 815.102, annual reports shall be filed each year by the first day of the month chosen and specified by the Agency in the facility permit, and shall state as follows:-

- a) All records required to be submitted to the Agency pursuant to 35 Ill. Adm. Code 858.207 and 858.308 have been timely and accurately submitted; and
- b) Agency Review of the Report
- 1) The Agency shall conduct a review of the annual report to determine compliance with the requirements of subsection (c) and either accept the contents as complete or request additional information within 45 days of receipt of the report.
 - 2) If the Agency fails to respond within the required time period

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- 3) then the report shall be considered acceptable. The operator shall return the additional information to the Agency within 45 days of receipt of the request for additional information.
- 4) The operator may deem any Agency request for information pursuant to this Section as a permit denial for purposes of appeal pursuant to Section 40 of the Act.
- b) All applicable fees required by the Act have been paid in full.
- c) All annual reports shall contain the following information:
- 1) A waste volume summary which includes:
 - A) Total volume of solid waste accepted at the facility in cubic meter (cubic yards) as measured at the gate;
 - B) Remaining solid waste capacity in each unit in cubic meter (cubic yards) as measured at the gate; and
 - C) A copy of all identification reports required under 35 Ill. Adm. Code 811.404.
 - 2) Monitoring data from the leachate collection system, groundwater monitoring network, gas monitoring system, and any other monitoring data which was specified in the operator's permit, including:
 - A) Graphical results of monitoring efforts;
 - B) Statistical summaries and analysis of trends;
 - C) Changes to the monitoring program; and
 - D) Discussion of error analysis, detection limits and observed trends.
 - 3) Proposed activities for the year
 - A) Amount of waste expected in the next year;
 - B) Structures to be built within the next year; and
 - C) New monitoring stations to be installed within the next year.
 - 4) Any modification or significant modification affecting the operation of a facility shall be included.
 - 5) Signature of the operator or duly authorized agent as specified in 35 Ill. Adm. Code 815.102.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 813.502 Quarterly Groundwater Reports and Graphical Results of Monitoring Efforts

- a) All groundwater monitoring data shall be submitted to the Agency at the same frequency as established for groundwater detection monitoring pursuant to Section 811.319(a) on a quarterly basis, in a form prescribed by the Agency, and in accordance with a schedule approved in the permit.
- b) Upon written Agency request, monitoring data depicted in a graphical form prescribed by the Agency shall be submitted to the Agency. Such

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data shall be submitted within 45 days after the date of the Agency's written request.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 813.503 Information to be Retained at or near the Waste Disposal Facility

Information developed by the operator, including annual reports, ~~but not yet forwarded to the Agency in a quarterly or annual report~~ shall be kept at or near the facility for inspection by the Agency upon request during normal working hours. If there is no active office for maintenance of records at the facility during the postclosure care period, then an alternate active operation site in the state, owned or operated by the same facility operator, may be specified. The Agency must be notified of the address and telephone number of the operator at the alternative facility where the information will be retained. This information must be retained through the postclosure care period.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 813.504 Annual Report

An annual report shall be submitted to the Agency each calendar year, by the first date of the month chosen and specified by the Agency in the facility permit, containing the following materials:

- a) Information relating to monitoring data from the leachate collection system, groundwater monitoring network, gas monitoring system, and any other monitoring data which was specified in the operator's permit, including:
 - 1) Summary of monitoring data for the calendar year;
 - 2) Dates of submittal of comprehensive monitoring data to the Agency during the calendar year;
 - 3) Statistical summaries and analysis of trends;
 - 4) Changes to the monitoring program; and
 - 5) Discussion of error analysis, detection limits, and observed trends.
- b) Proposed activities for the year:
 - 1) Amount of waste expected in the next year;
 - 2) Structures to be built within the next year; and
 - 3) New monitoring stations to be installed within the next year.
- c) Any modification or significant modification affecting the operation of a facility.
- d) The signature of the operator or duly authorized agent as specified in 35 Ill. Adm. Code 815.102.

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(Source: Added at 22 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Standards for New Solid Waste Landfills

- 2) Code Citation: 35 Ill. Adm. Code 811

- | Section Numbers: | Proposed Action: |
|------------------|------------------|
| 811.309 | Amended |
| 811.310 | Amended |
| 811.312 | Amended |
| 811.319 | Amended |
| 811.321 | Amended |

- 4) Statutory Authority: 415 ILCS 5/5, 21, 21.1, 22, 22.17, 22.40, and 27

- 5) A Complete Description of the Subjects and Issues Involved: A more complete description of this rule may be found in the Board's opinion and order of February 5, 1998 in R98-9. These amendments were proposed to the Board on August 11, 1997 by the Illinois Environmental Protection Agency and the National Solid Waste Management Association. In general, there are four reasons for the amendments: (1) to ease certain requirements that drive up costs without a commensurate environmental benefit; (2) to modify or eliminate requirements that the proponents believe are no longer technically defensible; (3) to ensure uniformity in the Board's rules; and (4) to remain consistent with the federal Resource Conservation and Recovery Act Subtitle D program. More specifically, the changes to Part 811 include clarifying that a five day leachate storage capacity can be achieved either on-site or by maintaining an alternative means of leachate management. Also, the amendments will allow quarterly groundwater sampling to be changed to semi-annual after eight quarters of data have been obtained, unless the Illinois Environmental Protection Agency determines additional monitoring is necessary. With regard to groundwater, the amendments require that assessment monitoring shall include monitoring constituents that might indicate the source of contamination. The amendments eliminate specific requirements for monitoring nitrogen and eliminate duplicative permit requirements for off-site gas processing facilities. Finally, the amendments allow for alternative protective layers suitable for protecting the earthen liner against freezing to be placed over the entire drainage blanket.

- 6) Will this proposed rule replace an emergency rule currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this proposed rule contain incorporations by reference? No

- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Policy Objectives: This rulemaking neither creates nor expands a State mandate.

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- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments concerning this rulemaking should reference R98-9 and be sent to:

Dorothy Gunn
Clerk of the Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, IL 60601
312-814-6931

Questions regarding this proposal may be directed to Marie E. Tipsord at 312-814-4925.

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses affected: This will affect owners and operators of municipal solid waste landfills in Illinois.

B) Reporting, bookkeeping, or other procedures required for compliance:
None

C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: December 1997

The full text of the Proposed Amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER i: SOLID WASTE AND SPECIAL WASTE HAULING

PART 811

STANDARDS FOR NEW SOLID WASTE LANDFILLS

SUBPART A: GENERAL STANDARDS FOR ALL LANDFILLS

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811.101	Scope and Applicability
811.102	Location Standards
811.103	Surface Water Drainage
811.104	Survey Controls
811.105	Compaction
811.106	Daily Cover
811.107	Operating Standards
811.108	Salvaging
811.109	Boundary Control
811.110	Closure and Written Closure Plan
811.111	Postclosure Maintenance

SUBPART B: INERT WASTE LANDFILLS

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811.201	Scope and Applicability
811.202	Determination of Contaminated Leachate
811.203	Design Period
811.204	Final Cover
811.205	Final Slope and Stabilization
811.206	Leachate Sampling
811.207	Load Checking

SUBPART C: PUTRESCIBLE AND CHEMICAL WASTE LANDFILLS

Section	
811.301	Scope and Applicability
811.302	Facility Location
811.303	Design Period
811.304	Foundation and Mass Stability Analysis
811.305	Foundation Construction
811.306	Liner Systems
811.307	Leachate Drainage System
811.308	Leachate Collection System
811.309	Leachate Treatment and Disposal System
811.310	Landfill Gas Monitoring
811.311	Landfill Gas Management System

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811.312	Landfill Gas Processing and Disposal System
811.313	Intermediate Cover
811.314	Final Cover System
811.315	Hydrogeological Site Investigations
811.316	Plugging and Sealing of Drill Holes
811.317	Groundwater Impact Assessment
811.318	Design, Construction, and Operation of Groundwater Monitoring Systems
811.319	Groundwater Monitoring Programs
811.320	Groundwater Quality Standards
811.321	Waste Placement
811.322	Final Slope and Stabilization
811.323	Load Checking Program
811.324	Corrective Action Measures for MSWLF Units
811.325	Selection of Remedy for MSWLF Units
811.326	Implementation of the corrective action program at MSWLF Units

SUBPART D: MANAGEMENT OF SPECIAL WASTES AT LANDFILLS

Section	
811.401	Scope and Applicability
811.402	Notice to Generators and Transporters
811.403	Special Waste Manifests
811.404	Identification Record
811.405	Recordkeeping Requirements
811.406	Procedures for Excluding Regulated Hazardous Wastes

SUBPART E: CONSTRUCTION QUALITY ASSURANCE PROGRAMS

Section	
811.501	Scope and Applicability
811.502	Duties and Qualifications of Key Personnel
811.503	Inspection Activities
811.504	Sampling Requirements
811.505	Documentation
811.506	Foundations and Subbases
811.507	Compacted Earth Liners
811.508	Geomembranes
811.509	Leachate Collection Systems

SUBPART G: FINANCIAL ASSURANCE

Section	
811.700	Scope, Applicability and Definitions
811.701	Upgrading Financial Assurance
811.702	Release of Financial Institution
811.703	Application of Proceeds and Appeals
811.704	Closure and Postclosure Care Cost Estimates
811.705	Revision of Cost Estimate

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- 811.706 Mechanisms for Financial Assurance
 811.707 Use of Multiple Financial Mechanisms
 811.708 Use of a Financial Mechanism for Multiple Sites
 811.709 Trust Fund for Unrelated Sites
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 811.711 Surety Bond Guaranteeing Payment
 811.712 Surety Bond Guaranteeing Performance
 811.713 Letter of Credit
 811.714 Closure Insurance
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 811.717 Local Government Guarantee
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APPENDIX A Financial Assurance Forms

- ILLUSTRATION A Trust Agreement
 ILLUSTRATION B Certificate of Acknowledgment
 ILLUSTRATION C Forfeiture Bond
 ILLUSTRATION D Performance Bond
 ILLUSTRATION E Irrevocable Standby Letter of Credit
 ILLUSTRATION F Certificate of Insurance for Closure and/or Postclosure Care
 ILLUSTRATION G Operator's Bond Without Surety
 ILLUSTRATION H Operator's Bond With Parent Surety
 ILLUSTRATION I Letter from Chief Financial Officer
 APPENDIX B Section-by-Section Correlation Between the Requirements of the Federal MSWLF Regulations at 40 CFR 258 (1992) and the Requirements of Parts 810 through 814

AUTHORITY: Implementing Sections 5, 21, 21.1, 22, 22.17, 22.40 and 28.1 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/5, 21, 21.1, 22, 22.17, 22.40, 28.1 and 27].

SOURCE: Adopted in R88-7 at 14 Ill. Reg. 15861, effective September 18, 1990; amended in R92-19 at 17 Ill. Reg. 12413, effective July 19, 1993; amended in R93-10 at 18 Ill. Reg. 1308, effective January 13, 1994; expedited correction at 18 Ill. Reg. 7504, effective July 19, 1993; amended in R90-26 at 18 Ill. Reg. 12481, effective August 1, 1994; amended in R95-13 at 19 Ill. Reg. 12257, effective August 15, 1995; amended in R96-1 at 20 Ill. Reg. 12000, effective August 15, 1996; amended in R97-20 at 21 Ill. Reg. 15831, effective November 25, 1997; amended in R98-9 at 22 Ill. Reg. _____, effective _____.

NOTE: In this Part, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.

SUBPART C: PUTRESCIBLE AND CHEMICAL WASTE LANDFILLS

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Section 811.309 Leachate Treatment and Disposal Systems

- a) Leachate shall be allowed to flow freely from the drainage and collection system. The operator is responsible for the operation of a leachate management system designed to handle all leachate as it drains from the collection system. The leachate management system shall consist of any combination of storage, treatment, pretreatment, and disposal options designed and constructed in compliance with the requirements of this Section.
- b) The leachate management system shall consist of any combination of multiple treatment and storage structures, to allow the management and disposal of leachate during routine maintenance and repairs.
- c) Standards for Onsite Treatment and Pretreatment
- 1) All onsite treatment or pretreatment systems shall be considered part of the facility.
 - 2) The onsite treatment or pretreatment system shall be designed in accordance with the expected characteristics of the leachate. The design may include modifications to the system necessary to accommodate changing leachate characteristics.
 - 3) The onsite treatment or pretreatment system shall be designed to function for the entire design period.
 - 4) All of the facility's unit operations, tanks, ponds, lagoons and basins shall be designed and constructed with liners or containment structures to control seepage to groundwater.
 - 5) All treated effluent discharged to waters of the State shall meet the requirements of 35 Ill. Adm. Code 309.
 - 6) The treatment system shall be operated by an operator certified under the requirements of 35 Ill. Adm. Code 312.
- d) Standards for Leachate Storage Systems
- 1) Except as otherwise provided in subsection (d)(6) of this Section, the leachate storage facility must be able to store a minimum of at least five days' worth of accumulated leachate at the maximum generation rate used in designing the leachate drainage system in accordance with Section 811.307. The minimum storage capacity may be built up over time and in stages, so long as the capacity for five consecutive days of accumulated leachate--during--extreme-precipitation-conditions is available at any time during the design period of the facility.
 - 2) All leachate storage tanks shall be equipped with secondary containment systems equivalent to the protection provided by a clay liner 0.61 meter (2 feet thick) having a permeability no greater than 10-7 centimeters per second.
 - 3) Leachate storage systems shall be fabricated from material compatible with the leachate expected to be generated and resistant to temperature extremes.
 - 4) The leachate storage system shall not cause or contribute to a malodor.
 - 5) The leachate drainage and collection system shall not be used for

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the purpose of storing leachate.

- 6) A facility may have less than five days' worth of storage capacity for accumulated leachate as required by subsection (d)(1) of this Section, if the owner or operator of the facility demonstrates that multiple treatment, storage and disposal options in the facility's approved leachate management system developed in accordance with subsection (b) of this Section will achieve equivalent performance. Such options shall consist of not less than one day's worth of storage capacity for accumulated leachate plus at least two alternative means of managing accumulated leachate through treatment or disposal, or both treatment and disposal, each of which means is capable of treating or disposing of all leachate generated at the maximum generation rate on a daily basis.

e) Standards for Discharge to an Offsite Treatment Works

- 1) Leachate may be discharged to an offsite treatment works that meets the following requirements:

- A) All discharges of effluent from the treatment works shall meet the requirements of 35 Ill. Adm. Code 309.
 B) The treatment systems shall be operated by an operator certified under the requirements of 35 Ill. Adm. Code 312.
 C) No more than 50 percent of the average daily influent flow can be attributable to leachate from the solid waste disposal facility. Otherwise, the treatment works shall be considered a part of the solid waste disposal facility.

- 2) The operator is responsible for securing permission from the offsite treatment works for authority to discharge to the treatment works.

- 3) All discharges to a treatment works shall meet the requirements of 35 Ill. Adm. Code 310.

- 4) Pumps, meters, valves and monitoring stations that control and monitor the flow of leachate from the unit and which are under the control of the operator shall be considered part of the facility and shall be accessible to the operator at all times.

- 5) Leachate shall be allowed to flow into the sewage system at all times; however, if access to the treatment works is restricted or anticipated to be restricted for longer than five days, then an alternative leachate management system shall be constructed in accordance with subsection (c).

- 6) Where leachate is not directly discharged into a sewerage system, the operator shall provide storage capacity sufficient to transfer all leachate to an offsite treatment works. The storage system shall meet the requirements of subsection (d).

f) Standards for Leachate Recycling Systems

- 1) Leachate recycling systems may be utilized only at permitted waste disposal units that meet the following requirements:

- A) The unit must have a liner designed, constructed and maintained to meet the minimum standards of Section 811.306.

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- B) The unit must have a leachate collection system in place and operating in accordance with Section 811.307.

- C) A gas management system, equipped with a mechanical device such as a compressor to withdraw gas, must be implemented to control odors and prevent migration of methane in accordance with Section 811.311.

- D) The topography must be such that any accidental leachate runoff can be controlled by ditches, berms or other equivalent control means.

- 2) Leachate shall not be recycled during precipitation events or in volumes large enough to cause runoff or surface seeps.

- 3) The amount of leachate added to the unit shall not exceed the ability of the waste and cover soils to transmit leachate flow downward. All other leachate shall be considered excess leachate, and a leachate management system capable of disposing of all excess leachate must be available.

- 4) The leachate storage and distribution system shall be designed to avoid exposure of leachate to air unless aeration or functionally equivalent devices are utilized.

- 5) The distribution system shall be designed to allow leachate to be evenly distributed beneath the surface over the recycle area.

- 6) Daily and intermediate cover shall be permeable to the extent necessary to prevent the accumulation of water and formation of perched water tables and gas buildup; alternatively cover shall be removed prior to additional waste placement.

- 7) Daily and intermediate cover shall slope away from the perimeter of the site to minimize surface discharges.

g) Leachate Monitoring

- 1) Representative samples of leachate shall be collected from each established leachate monitoring location unit and tested in accordance with subsections (g)(2)(G) and (g)(3)(D) at a frequency of once per quarter until such time as samples have been obtained and tested for at least eight quarters. If for any reason insufficient leachate is obtained to yield a sample for testing during a given quarterly monitoring attempt, such attempt shall not count toward the eight quarters' leachate monitoring requirement. Thereafter, the ~~while--the--leachate--management~~ ~~system--is--in--operation----~~ frequency of testing shall be changed to semi-annual ~~once--per--year~~ for any monitored constituent while the leachate management system is in operation. However, the Agency may, by permit condition, require additional leachate sampling and testing as necessary to ensure compliance with this Section and Sections 811.312, 811.317, and 811.319--~~if it--is--not--detected--in--the--leachate----~~ ~~However--if--such--a constituent--is--detected--in--the--leachate--testing--frequency--shall return--to--a--quarterly--schedule.~~

- 2) Discharges of leachate from units that dispose of putrescible wastes shall be tested for the following constituents prior to

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treatment or pretreatment:

- A) Five day biochemical oxygen demand (BOD5);
- B) Chemical oxygen demand;
- C) Total Suspended Solids;
- D) Total Iron;
- E) pH;

F) Any other constituents listed in the operator's National Pollution Discharge Elimination System (NPDES) discharge permit, pursuant to 35 Ill. Adm. Code 304, or required by a publicly owned treatment works, pursuant to 35 Ill. Adm. Code 310; and

G) All of the indicator constituents chosen in accordance with Section 95--111.319(a)(2)(B) and used by the operator for groundwater monitoring.

3) Discharges of leachate from units which dispose only chemical wastes shall be monitored for constituents determined by the characteristics of the chemical waste to be disposed of in the unit. They shall include, as a minimum:

- A) pH;
- B) Total Dissolved Solids;
- C) Any other constituents listed in the operator's NPDES discharge permit, pursuant to 35 Ill. Adm. Code 304, or required by a publicly owned treatment works, pursuant to 35 Ill. Adm. Code 310; and

D) All of the indicator constituents chosen in accordance with Section 95--111.319(a)(2)(B) and used by the operator for groundwater monitoring.

h) Time of Operation of the Leachate Management System

1) The operator shall collect and dispose of leachate for a minimum of five years after closure and thereafter until treatment is no longer necessary.

2) Treatment is no longer necessary if the leachate constituents do not exceed the wastewater effluent standards in 35 Ill. Adm. Code 304.124, 304.125, 304.126 and do not contain a BOD[5] concentration greater than 30 mg/L for six consecutive months.

3) Leachate collection at a MSWLF unit shall be continued for a minimum period of 30 years after closure, except as otherwise provided by subsections (h)(4) and (h)(5), below.

4) The Agency may reduce the leachate collection period at a MSWLF unit upon a demonstration by the owner or operator that the reduced period is sufficient to protect human health and environment.

5) The owner or operator of a MSWLF unit shall petition the Board for an adjusted standard in accordance with Section 811.303, if the owner or operator seeks a reduction of the postclosure care monitoring period for all of the following requirements:

- i) Inspection and maintenance (Section 811.111);
- ii) Leachate collection (Section 811.309);

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- iii) Gas monitoring (Section 811.130); and
- iv) Groundwater monitoring (Section 811.319).

BOARD NOTE: Subsection (h) is derived from 40 CFR 258.61 (1992).

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 811.310 Landfill Gas Monitoring

a) This Section applies to all units that dispose putrescible wastes.
b) Location and Design of Monitoring Wells

- 1) Gas monitoring devices shall be placed at intervals and elevations within the waste to provide a representative sampling of the composition and buildup of gases within the unit.
- 2) Gas monitoring devices shall be placed around the unit at locations and elevations capable of detecting migrating gas from the ground surface to the lowest elevation of the liner system or the top elevation of the groundwater, whichever is higher.
- 3) A predictive gas flow model may be utilized to determine the optimum placement of monitoring points required for making observations and tracing the movement of gas.
- 4) Gas monitoring devices shall be constructed from materials that will not react with or be corroded by the landfill gas.
- 5) Gas monitoring devices shall be designed and constructed to measure pressure and allow collection of a representative sample of gas.

6) Gas monitoring devices shall be constructed and maintained to minimize gas leakage.

7) The gas monitoring system shall not interfere with the operation of the liner, leachate collection system or delay the construction of the final cover system.

8) At least three ambient air monitoring locations shall be chosen and samples shall be taken no higher than 0.025 meter (1 inch) above the ground and 30.49m (100 feet) downwind from the edge of the unit or at the property boundary, whichever is closer to the unit.

c) Monitoring Frequency

1) All gas monitoring devices, including the ambient air monitors shall be operated to obtain samples on a monthly basis for the entire operating period and for a minimum of five years after closure.

2) After a minimum of five years after closure, monitoring frequency may be reduced to quarterly sampling intervals.

3) The sampling frequency may be reduced to yearly sampling intervals upon the installation and operation of a gas collection system equipped with a mechanical device such as a compressor to withdraw gas.

4) Monitoring shall be continued for a minimum period of: thirty

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years after closure at MSWLF units, except as otherwise provided by subsections (c)(5) and (c)(6); five years after closure at landfills, other than MSWLF units, which are used exclusively for disposing of wastes generated at the site; or fifteen years after closure at all other landfills regulated under this Part. Monitoring, beyond the minimum period, may be discontinued if the following conditions have been met for at least one year:

- A) The concentration of methane is less than five percent of the lower explosive limit in air for four consecutive quarters at all monitoring points outside the unit; and
- B) Monitoring points within the unit indicate that methane is no longer being produced in quantities that would result in migration from the unit and exceed the standards of subsection (a)(1).

5) The operator shall include in the permit, a list of air toxics to be monitored in accordance with subsection (d). The Agency shall determine the monitoring frequency of the listed compounds based upon their emission rates and ambient levels in the atmosphere.

5) The Agency may reduce the gas monitoring period at an MSWLF unit upon a demonstration by the owner or operator that the reduced period is sufficient to protect human health and environment.

6) The owner or operator of an MSWLF unit shall petition the Board for an adjusted standard in accordance with Section 811.303, if the owner or operator seeks a reduction of the postclosure care monitoring period for all of the following requirements:

- i) Inspection and maintenance (Section 811.111);
- ii) Leachate collection (Section 811.309);
- iii) Gas monitoring (Section 811.310); and
- iv) Groundwater monitoring (Section 811.319).

BOARD NOTE: Changes to subsections (c) are derived from 40 CFR 258.61 (1996).

d) Parameters to be Monitored

1) All below ground monitoring devices shall be monitored for the following parameters at each sampling interval:

- A) Methane;
- B) Pressure;
- C) Nitrogen;
- D) Oxygen; and
- E) Carbon dioxide.

2) Ambient air monitors shall be sampled for methane only when the average wind velocity is less than 8 kilometers (five miles) per hour at a minimum of three downwind locations 30.49 meters (100 feet) from the edge of the unit or the property boundary, whichever is closer to the unit.

3) All buildings within a facility shall be monitored for methane by utilizing continuous detection devices located at points where methane might enter the building.

e) Any alternative frequencies for the monitoring requirement of

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subsection (c) for any owner or operator of an MSWLF that disposes of 20 tons of municipal solid waste per day or less, based on an annual average, must be established by an adjusted standard pursuant to Section 28.1 of the Act and 35 Ill. Adm. Code 106. Any alternative monitoring frequencies established under this subsection (e) will:

- 1) Consider the unique characteristics of small communities;
- 2) Take into account climatic and hydrogeologic conditions; and
- 3) Be protective of human health and the environment.

BOARD NOTE: Subsection (d) is derived from 40 CFR 258.23(e), as added at 62 Fed. Reg. 40707 (July 29, 1997).

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 811.312 Landfill Gas Processing and Disposal Systems

a) The processing of landfill gas for use is strongly encouraged but is not required.

b) Except as allowed in subsection (g), the landfill gas processing and disposal system, including compressors, blowers, raw gas monitoring systems, devices used to control the flow of gas from the unit, flares, gas treatment devices, air pollution control devices and monitoring equipment must remain under the control of the operator and shall be considered part of the waste disposal facility.

c) No gas may be discharged directly to the atmosphere unless treated or burned onsite prior to discharge in accordance with a permit issued by the Agency pursuant to 35 Ill. Adm. Code 200 through 245.

d) Representative flow rate measurements shall be made of gas flow into treatment or combustion devices.

e) When used for the onsite combustion of landfill gas, flares shall meet the general control device requirements of new source performance standards adopted pursuant to Section 9.1(b) of the Act.

f) Standards for Onsite Combustion of Landfill Gas Using Devices Other Than Flares

1) At a minimum, landfill gas shall be measure for flow rate, heat value, and moisture content along with combustion parameters including, but not limited to, oxygen and carbon dioxide prior to treatment or combustion. Constituents of the landfill gas and combustion byproducts shall be identified for inclusion in an Agency issued permit based on the type of waste streams that are or will be in the landfill, landfill gas analysis and potential for being emitted into the air after treatment or combustion.

2) All constituents and parameters that must be measured before and after treatment or combustion shall be identified and included in a permit issued by the Agency pursuant to 35 Ill. Adm. Code 200 through 245. At a minimum, the following types of constituents must be considered for inclusion in the permit:

A) The six criteria air pollutants and the hazardous air

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pollutants subject to regulation under the Clean Air Act (42 U.S.C. 7401 et seq.);

- B) Any list of toxic air contaminants, including carcinogens, mutagens and listed hazardous air pollutants adopted by the Board pursuant to Section 9.5 of the Act;

- C) Volatile Organic Compounds;

- D) Constituents present in the landfill gas; and

- E) Combustion byproducts expected to be emitted from the combustion or treatment device.

- g) Landfill gas may be transported offsite to a gas processing facility in accordance with the following requirements:

- 1) The solid waste disposal facility contributes less than 50 percent of the total volume of gas accepted by the gas processing facility or the gas processing facility is permitted to receive and process landfill gas under the Act and Board regulations. Otherwise, the processing facility must be considered a part of the solid waste management facility. In any event, no solid waste disposal facility shall transport landfill gas off-site under this Section unless it satisfies the financial assurance requirements of Section 811.704(h)(3).

- 2) The landfill gas shall be monitored for the parameters listed in subsection (f)(4)(1) as well as other constituents such as, ammonia (NH₃), hydrogen sulfide (H₂S) and hydrogen (H₂) that are needed to operate the gas processing facility.

- 3) The gas processing facility shall be sized to handle the expected volume of gas.

- 4) The transportation of gas to an offsite gas processing facility shall in no way relieve the operator of the requirements of Section 811.311(a).

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 811.319 Groundwater Monitoring Programs

- a) Detection Monitoring Program

Any use of the term maximum allowable predicted concentration in this Section is a reference to Section 811.318(c). The operator shall implement a detection monitoring program in accordance with the following requirements:

- 1) Monitoring Schedule and Frequency

- A) The monitoring period shall begin as soon as waste is placed into the unit of a new landfill or within one year of the effective date of this Part for an existing landfill. Monitoring shall continue for a minimum period of fifteen years after closure, or in the case of MSWLF units, a minimum period of 30 years after closure, except as otherwise provided by subsection (a)(1)(C) of this Section.

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The operator shall sample all monitoring points for all potential sources of contamination on a quarterly basis except as specified in subsection (a)(3), for a period of five years from the date of issuance of the initial permit for significant modification under 35 Ill. Adm. Code 814.104 or a permit for a new unit pursuant to 35 Ill. Adm. Code 813.104. After the initial five-year period, the sampling frequency for each monitoring point shall be reduced to a semi-annual basis, provided the operator has submitted the certification described in 35 Ill. Adm. Code 813.304(b). Alternatively, after the initial five-year period, the Agency shall allow sampling on a semi-annual basis where the operator demonstrates that monitoring effectiveness has not been compromised, that sufficient quarterly data has been collected to characterize groundwater, and that leachate from the monitored unit does not constitute or may-institute more-frequent-sampling-throughout-the-time-the-source constitutes a threat to groundwater. For the purposes of this Section, the source shall be considered a threat to groundwater if the results of the monitoring indicate either that the concentrations of any of the constituents monitored within the zone of attenuation is are above the maximum allowable predicted concentration for that constituent or, for existing landfills, subject to 35 Ill. Adm. Code 814, Subpart D, that the concentration of any constituent has exceeded the applicable standard at the compliance boundary as defined in 35 Ill. Adm. Code 814.402(b)(3).

- B) Beginning fifteen years after closure of the unit, or five years after all other potential sources of discharge no longer constitute a threat to groundwater, as defined in subsection (a)(1)(A), the monitoring frequency may change on a well by well basis to an annual schedule if either of the following conditions exist. However, monitoring shall return to a quarterly schedule at any well where a statistically significant increase is determined to have occurred in accordance with Section 811.320(e), in the concentration of any constituent with respect to the previous sample.

- i) All constituents monitored within the zone of attenuation have returned to a concentration less than or equal to ten percent of the maximum allowable predicted concentration; or
- ii) All constituents monitored within the zone of attenuation are less than or equal to their maximum allowable predicted concentration for eight consecutive quarters.

- C) Monitoring shall be continued for a minimum period

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of: thirty years after closure at MSWLF units, except as otherwise provided by subsections (a)(1)(D) and (a)(1)(E), below; five years after closure at landfills, other than MSWLF units, which are used exclusively for disposing waste generated at the site; or fifteen years after closure at all other landfills regulated under this Part. Monitoring, beyond the minimum period, may be discontinued under the following conditions:

- i) No statistically significant increase is detected in the concentration of any constituent above that measured and recorded during the immediately preceding scheduled sampling for three consecutive years, after changing to an annual monitoring frequency; or
- ii) Immediately after contaminated leachate is no longer generated by the unit.

D) The Agency may reduce the groundwater monitoring period at a MSWLF unit upon a demonstration by the owner or operator that the reduced period is sufficient to protect human health and environment.

E) An owner or operator of a MSWLF unit shall petition the Board for an adjusted standard in accordance with Section 811.303, if the owner or operator seeks a reduction of the postclosure care monitoring period for all of the following requirements:

- i) Inspection and maintenance (Section 811.111);
- ii) Leachate collection (Section 811.309);
- iii) Gas monitoring (Section 811.310); and
- iv) Groundwater monitoring (Section 811.319).

BOARD NOTE: Changes to subsections (a)(1)(A) and (a)(1)(C), and subsections (a)(1)(D) and (a)(1)(E) are derived from 40 CFR 258.61 (1992).

2) Criteria for Choosing Constituents to be Monitored

A) The operator shall monitor each well for constituents that will provide a means for detecting groundwater contamination. Constituents shall be chosen for monitoring if they meet the following requirements:

- i) The constituent appears in, or is expected to be in, the leachate; and
- ii) The Board has established for the constituent a public or food processing water supply standard, at 35 Ill. Adm. Code 302, the Board has established a groundwater quality standard under the Illinois Groundwater Protection Act (415 ILCS 55/1 et seq.), or the constituent may otherwise cause or contribute to groundwater contamination.

B) One or more indicator constituents, representative of the transport processes of constituents in the leachate, may be

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chosen for monitoring in place of the constituents it represents. The use of such indicator constituents must be included in an Agency approved permit.

- 3) Organic Chemicals Monitoring
The operator shall monitor each existing well that is being used as a part of the monitoring well network at the facility within one year of the effective date of this Part, and monitor each new well within the three months of its establishment. The monitoring required by this subsection shall be for a broad range of organic chemical contaminants in accordance with the procedures described below:

A) The analysis shall be at least as comprehensive and sensitive as the tests for:

- i) The 51 organic chemicals in drinking water described at 40 CFR 141.40 (1988), incorporated by reference at 35 Ill. Adm. Code 810.104; and
- ii) Any other organic chemical for which a groundwater quality standard or criterion has been adopted pursuant to Section 14.4 of the Act or Section 8 of the Illinois Groundwater Protection Act.

B) At least once every two years, the operator shall monitor each well in accordance with subsection (a)(1)(A).

C) The operator of a MSWLF unit shall monitor each well in accordance with subsection (a)(1)(A) on an annual basis.

BOARD NOTE: Subsection (a)(3)(C) is derived from 40 CFR 258.54(b) (1992).

4) Confirmation of Monitored Increase

A) The confirmation procedures of this subsection shall be used only if the concentrations of the constituents monitored can be measured at or above the practical quantitation limit (PQL). The PQL is defined as the lowest concentration that can be reliably measured within specified limits of precision and accuracy, under routine laboratory operating conditions. The operator shall institute the confirmation procedures of subsection (a)(4)(B) after notifying the Agency in writing, within ten days, of observed increases:

- i) The concentration of any constituent monitored in accordance with subsection (a)(1) and (a)(2) shows a progressive increase over four consecutive monitoring events; or
- ii) The concentration of any constituent exceeds the maximum allowable predicted concentration at an established monitoring point within the zone of attenuation;
- iii) The concentration of any constituent monitored in accordance with subsection (a)(3) exceeds the preceding measured concentration at any established monitoring point; and

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- iv) The concentration of any constituent monitored at or beyond the zone of attenuation exceeds the applicable groundwater quality standards of Section 811.320.
- B) The confirmation procedures shall include the following:
- i) The operator shall verify any observed increase by taking additional samples within 45 days of the initial observation and ensure that the samples and sampling protocol used will detect any statistically significant increase in the concentration of the suspect constituent in accordance with Section 811.320(e), so as to confirm the observed increase. The operator shall notify the Agency of any confirmed increase before the end of the next business day following the confirmation.
 - ii) The operator shall determine the source of any confirmed increase, which may include, but shall not be limited to, natural phenomena, sampling or analysis errors, or an offsite source.
 - iii) The operator shall notify the Agency in writing of any confirmed increase and state the source of the confirmed increase and provide the rationale used in such a determination within ten days of the determination.
- b) Assessment Monitoring
- The operator shall begin an assessment monitoring program in order to confirm that the solid waste disposal facility is the source of the contamination and to provide information needed to carry out a groundwater impact assessment in accordance with subsection (c). The assessment monitoring program shall be conducted in accordance with the following requirements:
- 1) The assessment monitoring shall be conducted in accordance with this subsection to collect information to assess the nature and extent of groundwater contamination. The owner or operator of a MSWLF unit shall comply with the additional requirements prescribed in subsection (b)(5). The assessment monitoring shall consist monitoring of additional constituents that might indicate the source and extent of contamination. In addition, assessment monitoring may include any other investigative techniques that will assist in determining the source, nature and extent of the contamination, which may consist of, but need not be limited to off-but-not-be-limited-to-the-following-steps:
 - A) More frequent sampling of the wells in which the observation occurred;
 - B) More frequent sampling of any surrounding wells; and
 - C) The placement of additional monitoring wells to determine the source and extent of the contamination.
- B) Monitoring-of-additional-constituents--that-might-indicate the-source-and-extent-of-contamination--and

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- B) Any--other--investigative--techniques--that--will--assist-in determining-the-nature-and-extent-of-the-contamination--
- 2) The operator of the facility for which assessment monitoring is required shall file the plans for an assessment monitoring program with the Agency. If the facility is permitted by the Agency, then the plans shall be filed for review as a significant permit modification pursuant to 35 Ill. Adm. Code 813-Subpart B. The assessment monitoring program shall be implemented within 90 days of confirmation of any monitored increase in accordance with subsection (a)(4) or, in the case of permitted facilities, within 90 days of Agency approval.
- 3) If the analysis of the assessment monitoring data shows that the concentration of one or more constituents, monitored at or beyond the zone of attenuation is above the applicable groundwater quality standards of Section 811.320 and is attributable to the solid waste disposal facility, then the operator shall determine the nature and extent of the groundwater contamination including an assessment of the potential impact on the groundwater should waste continue to be accepted at the facility and shall implement the remedial action in accordance with subsection (d).
- 4) If the analysis of the assessment monitoring data shows that the concentration of one or more constituents is attributable to the solid waste disposal facility and exceeds the maximum allowable predicted concentration within the zone of attenuation, then the operator shall conduct a groundwater impact assessment in accordance with the requirements of subsection (c).
- 5) In addition to the requirements of subsection (b)(1), to collect information to assess the nature and extent of groundwater contamination, the following requirements are applicable to MSWLF units:
- A) The monitoring of additional constituents pursuant to (b)(1)(A) shall include, at a minimum [except as otherwise provided in subsection (b)(5)(E) of this Section, the constituents listed in 40 CFR 258-Appendix II, incorporated by reference at 35 Ill. Adm. Code 810.104.
- BOARD NOTE: Subsection (b)(5)(A) is derived from 40 CFR 258.55(b) (1992).
- B) Within 14 days of obtaining the results of sampling required under subsection (b)(5)(A), the owner or operator shall:
 - i) Place a notice in the operating record identifying the constituents that have been detected; and
 - ii) Notify the Agency that such a notice has been placed in the operating record.
- BOARD NOTE: Subsection (b)(5)(B) is derived from 40 CFR 258.55(d)(1) (1992).
- C) The owner or operator shall establish background concentrations for any constituents detected pursuant to subsection (b)(5)(A) in accordance with Section 811.320(e).

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BOARD NOTE: Subsection (b)(5)(C) is derived from 40 CFR 258.55(d)(3) (1992).

D) Within 90 days of the initial monitoring in accordance with subsection (b)(5)(A), the owner or operator shall monitor for the constituents listed in 40 CFR 258.55(d)(3) on a semiannual basis during the assessment monitoring.

BOARD NOTE: Subsection (b)(5)(D) is derived from 40 CFR 258.55(d)(2) (1992).

E) The owner or operator may request the Agency to delete any of the 40 CFR 258.55(d)(3) constituents by demonstrating to the Agency that the deleted constituents are not reasonably expected to be in or derived from the waste contained in the leachate.

BOARD NOTE: Subsection (b)(5)(E) is derived from 40 CFR 258.55(b) (1992).

F) Within 14 days of finding an exceedance above the applicable groundwater quality standards in accordance with subsection (b)(3), the owner or operator shall:

- i) Place a notice in the operating record that identifies the constituents monitored under subsection (b)(1)(D) that have exceeded the groundwater quality standard;
- ii) Notify the Agency and the appropriate officials of the local municipality or county within whose boundaries the site is located that such a notice has been placed in the operating record; and

- iii) Notify all persons who own land or reside on land that directly overlies any part of the plume of contamination if contaminants have migrated off-site.

BOARD NOTE: Subsection (b)(5)(F) is derived from 40 CFR 258.55(g)(1)(i) through (iii) (1992).

- G) If the concentrations of all 40 CFR 258.55(d)(3) constituents are shown to be at or below background values, using the statistical procedures in Section 811.320(e), for two consecutive sampling events, the owner or operator shall notify the Agency of this finding and may stop monitoring the 40 CFR 258.55(d)(3) constituents.

BOARD NOTE: Subsection (b)(5)(G) is derived from 40 CFR 258.55(e) (1992).

c) Assessment of Potential Groundwater Impact

An operator required to conduct a groundwater impact assessment in accordance with subsection (b)(4) shall assess the potential impacts outside the zone of attenuation that may result from confirmed increases above the maximum allowable predicted concentration within the zone of attenuation, attributable to the facility, in order to determine if there is need for remedial action. In addition to the requirements of Section 811.317, the following shall apply:

- 1) The operator shall utilize any new information developed since the initial assessment and information from the detection and

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assessment monitoring programs and such information may be used for the recalibration of the GCT model; and

- 2) The operator shall submit the groundwater impact assessment and any proposed remedial action plans determined necessary pursuant to subsection (d) to the Agency within 180 days of the start of the assessment monitoring program.

d) Remedial Action. The owner or operator of a MSWLF unit shall conduct corrective action in accordance with Sections 811.324, 811.325, and 811.326. The owner or operator of a landfill facility, other than a MSWLF unit, shall conduct remedial action in accordance with this subsection.

- 1) The operator shall submit plans for the remedial action to the Agency. Such plans and all supporting information including data collected during the assessment monitoring shall be submitted within 90 days of determination of either of the following:
 - A) the groundwater impact assessment, performed in accordance with subsection (c), indicates that remedial action is needed; or

- B) Any confirmed increase above the applicable groundwater quality standards of Section 811.320 is determined to be attributable to the solid waste disposal facility in accordance with subsection (b).

- 2) If the facility has been issued a permit by the Agency, then the operator shall submit this information as an application for significant modification to the permit;

- 3) The operator shall implement the plan for remedial action program within 90 days of the following:
 - A) Completion of the groundwater impact that requires remedial action;

- B) Establishing that a violation of an applicable groundwater quality standard of Section 811.320 is attributable to the solid waste disposal facility in accordance with subsection (b)(3); or

- C) Agency approval of the remedial action plan, where the facility has been permitted by the Agency.

- 4) The remedial action program shall consist of one or a combination of one or more of the following solutions:
 - A) Retrofit additional groundwater protective measures within the unit;

- B) Construct an additional hydraulic barrier, such as a cutoff wall or slurry wall system

- C) Pump and treat the contaminated groundwater; or

- D) Any other equivalent technique which will prevent further contamination of groundwater.

- 5) Termination of the Remedial Action Program

- A) The remedial action program shall continue in accordance with the plan until monitoring shows that the concentrations of all monitored constituents are below the maximum

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allowable predicted concentration within the zone of attenuation, below the applicable groundwater quality standards of Section 811.320 at or beyond the zone of attenuation, over a period of four consecutive quarters no longer exist.

- B) The operator shall submit to the Agency all information collected under subsection (d)(5)(A). If the facility is permitted then the operator shall submit this information as a significant modification of the permit.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 811.321 Waste Placement

a) Phasing of Operations

- 1) Waste disposal operations shall move from the lowest portions of the unit to the highest portions. Except as provided in subsection (a)(2), the placement of waste shall begin in the lowest part of the active face of the unit, located in the part of the facility most downgradient, with respect to groundwater flow.

- 2) The operator may dispose of wastes in areas other than those specified in subsection (a)(1) only under any of the following conditions:

- A) Climatic conditions, such as wind and precipitation, are such that the placement of waste in the bottom of the unit would cause water pollution, litter or damage to any part of the liner;

- B) The topography of the land surrounding the unit makes the procedure of subsection (a)(1) environmentally unsound, for example, because steep slopes surround the unit; or

- C) When groundwater monitoring wells, constructed in accordance with the requirements of Section 811.319, are placed 50 feet, or less, downgradient from the filled portions of the unit.

b) Initial Waste Placement

- 1) Construction, compaction and earth moving equipment shall be prohibited from operating directly on the leachate collection piping system until a minimum of five feet of waste has been mounded over the system.

- 2) Construction, compaction and earth moving equipment shall be prohibited from operating directly on the leachate drainage blanket. Waste disposal operations shall begin at the edge of the drainage layer by carefully pushing waste out over the drainage layer.

- 3) An initial layer of waste, a minimum of five feet thick, or, alternatively, a temporary protective layer of other material

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suitable to prevent the compacted earth liner from freezing shall be placed over the entire drainage blanket ~~immediately after construction~~ but prior to the onset of weather conditions that may cause the compacted earth liner to freeze, except as provided in subsection (b)(4) of this Section.

- 4) Waste shall not be placed over areas that are subject to freezing conditions until the liner has been certified or recertified by the CQA officer designated pursuant to Section 811.502 ~~inspected, tested, and reconstructed~~ (if necessary) to meet the requirements of Section 811.306.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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1) Heading of the Part: AIDS Confidentiality and Testing Code

2) Code Citation: 77 Ill. Adm. Code 697

3) Section Numbers: Proposed Action:

697.10	Amendment
697.20	Amendment
697.30	Amendment
697.120	Amendment
697.140	Amendment
697.200	Amendment
697.210	Amendment
697.220	Amendment
697.300	Amendment
697.400	Amendment
697.420	Amendment
697.Appendix A	Repeal
697.Illustration A	Repeal
697.Appendix B	Repeal

4) Statutory Authority: Implementing and authorized by the AIDS Confidentiality Act [410 ILCS 305]; AIDS Registry Act [410 ILCS 310]; the Communicable Disease Prevention Act [410 ILCS 315]; and Sections 55, 55.11, 55.41 and 55.45 of the Civil Administrative Code of Illinois [20 ILCS 2310/55, 55.11, 55.41 and 55.45].

5) A Complete Description of the Subjects and Issues Involved: This rulemaking will require health care providers to report to the State the names of people who test positive for HIV infection. HIV cases are currently reported to the Department with information about age, race, gender, city of residence, and how the person became infected. The amendments will require local health authorities that receive reports of HIV infection from health care providers to replace the person's name with a unique identifier before submitting the report to the Department. Additional confidentiality provisions that were added to the AIDS Confidentiality Act in P.A. 89-381 are also included in the proposed rules. These provisions prohibit the Department and its authorized representative from disclosing information and records held by them concerning cases of sexually transmissible diseases.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No

7) Does this Rulemaking Contain an Automatic Repeal Date? No

8) Does this Rulemaking Contain Any Incorporations By Reference? No

9) Are there any other Proposed Amendments Pending on this Part? No

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10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking: Interested persons may present their comments concerning these rules by writing within 45 days after this issue of the *Illinois Register* to:

Ms. Gail M. DeVito
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
217/782-2043
E-mail: rules@idph.state.il.us

12) Initial Regulatory Flexibility Analysis:

A) Type of Small Businesses, Small Municipalities and Not-for-Profit Corporations Affected: None

B) Reporting, Bookkeeping or Other Procedures Required for Compliance: None

C) Types of Professional Skills Necessary for Compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on the most recent regulatory agenda because the decision to propose this rulemaking had not been made when the Regulatory Agenda was finalized.

The full text of the Proposed Amendments begins on the next page:

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER d: COMMUNICABLE DISEASE CONTROL AND IMMUNIZATIONS

PART 697

HIV/AIDS CONFIDENTIALITY AND TESTING CODE

SUBPART A: GENERAL PROVISIONS

Section

697.10

Applicability

697.20

Definitions

697.30

Incorporated Materials

697.40

Administrative Hearings

SUBPART B: HIV TESTING

Section

697.100

Approved HIV Tests and Testing Procedures

697.110

HIV Pre-Test Information

697.120

Written Informed Consent

697.130

Anonymous Testing

697.140

Disclosure of the Identity of a Person Tested or Test Results

697.150

Marriage License Testing Requirements (Repealed)

697.160

HIV Testing for Insurance Purposes

697.170

Enforcement of the AIDS Confidentiality Act

697.180

HIV Testing for Blood and Human Tissue Donations

SUBPART C: HIV/AIDS REGISTRY SYSTEM

Section

697.200

HIV/AIDS Registry System

697.210

Reporting Requirements

697.220

Release of HIV/AIDS Registry Information

SUBPART D: HIV COUNSELING AND TESTING CENTERS

Section

697.300

HIV Counseling and Testing Centers

SUBPART E: MISCELLANEOUS PROVISIONS

Section

697.400

Notification of School Principals

697.410

Guidelines for the Management of Chronic Infectious Diseases in School Children

697.420

Testing, Treatment or Counseling of Minors

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APPENDIX A Sample HIV Testing Forms (Repealed)

ILLUSTRATION A Sample Written Informed Consent Form (Repealed)

ILLUSTRATION B Sample Marriage License Testing Certificate (Repealed)

APPENDIX B Statutory and Regulatory References to AIDS (Repealed)

AUTHORITY: Implementing and authorized by the AIDS Confidentiality Act [410 ILCS 305]; the AIDS Registry Act [410 ILCS 310]; the Communicable Disease Prevention Act [410 ILCS 315]; and Sections 55, 55.11, 55.41 and 55.45 of the Civil Administrative Code of Illinois [20 ILCS 2310/55, 55.11, 55.41 and 55.45].

SOURCE: Emergency rules adopted at 12 Ill. Reg. 1601, effective January 1, 1988, for a maximum of 150 days; adopted at 12 Ill. Reg. 9952, effective May 27, 1988; amended at 13 Ill. Reg. 11544, effective July 1, 1989; amended at 15 Ill. Reg. 11646, effective August 15, 1991; emergency amendment at 17 Ill. Reg. 1204, effective January 7, 1993, for a maximum of 150 days; emergency expired on June 7, 1993; amended at 17 Ill. Reg. 15899, effective September 20, 1993; amended at 19 Ill. Reg. 1117, effective January 20, 1995; amended at 22 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 697.10 Applicability

- a) This Part is in response to various statutes concerning acquired immunodeficiency syndrome (AIDS). The provisions of this rulemaking are organized into six components which consist of five Subparts and two appendices. Subpart A includes general provisions which apply to all Sections of the Part such as definitions and administrative hearing rules.
- b) Subpart B includes provisions concerning testing for the presence of antibodies to the human immunodeficiency virus (HIV) or any other causative agent of acquired immunodeficiency syndrome (AIDS). These provisions set forth the approved HIV tests and testing procedures, the information that must be given by a physician prior to ordering a HIV test, the written informed consent a physician must obtain prior to performing a HIV test, the requirements for HIV testing for insurance purposes, testing requirements for blood and human tissue donations, the disclosure or confidentiality rules, and the rules for enforcement of the AIDS Confidentiality Act.
- c) Subpart C includes the provisions for the implementation of the HIV/AIDS Registry System. These provisions include information reported and the entities which report. In addition, provisions concerning the disclosure of registry information are included.
- d) Subpart D includes provisions for the establishment and operation of alternative test sites known as "HIV Counseling and Testing Centers." These provisions specify how the centers are to be used including prohibiting the centers from participating in HIV testing for marriage

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license application purposes. In addition, the services to be provided are briefly outlined.

e) Subpart E includes miscellaneous provisions which concern children. These provisions set forth the requirements for notification of school principals of children with AIDS and HIV infection, the guidelines for management of chronic infectious diseases in school children, and requirements for testing, treatment or counseling of minors.

f) The appendices include sample forms and a bibliography of AIDS laws and regulations. The sample form concerns the required written informed consent.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 697.20 Definitions

The following are definitions of terms used in this Part:

"Act" or "AIDS Confidentiality Act" means the AIDS Confidentiality Act ~~††††-Rev.-Stat.-1991†-ch.-†††-1/2†-par.-730†-et-seq.†~~ [410 ILCS 305].

"AIDS" means *acquired immunodeficiency syndrome, as defined by the Centers for Disease Control or the National Institutes of Health.* (Section 3(a) of the AIDS Registry Act). Similar definitions appear in the Act. Current definition can be found in "Revision of the CDC Surveillance Case Definition for Acquired Immunodeficiency Syndrome", Centers for Disease Control. Mortality and Morbidity Weekly Report (MMWR) Suppl., December 18, 1992; 41(RR-17), Public Health Service, U.S. Department of Health and Human Services, Atlanta, Georgia 30333.

"AIDS Registry Act" means the AIDS Registry Act ~~††††-Rev.-Stat.-1991†-ch.-†††-1/2†-par.-735†-et-seq.†~~ [410 ILCS 310].

"Blood Bank" means any facility or location at which blood or plasma are procured, furnished, donated, processed, stored or distributed.

"Department" means the *Illinois Department of Public Health.* (Section 3(a) of the AIDS Confidentiality Act.)

"Designated Agency" means a health care organization under a service agreement with the Department to function in the capacity of a Local Health Authority for the purposes of this Part, in a jurisdiction not covered by a Local Health Authority.

"Health Care Provider" means any physician, nurse, paramedic, psychologist or other person providing medical, nursing, psychological, or other health care services of any kind. (Section 3(f) of the AIDS Confidentiality Act.)

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"Health Facility" means a hospital, nursing home, blood bank, blood center, sperm bank, or other health care institution, including any "Health Facility" as that term is defined in the Illinois Health Facilities Authority Act. (Section 3(e) of the AIDS Confidentiality Act.)

"HIV" means the *human immunodeficiency virus.* (Section 3(c) of the AIDS Confidentiality Act.)

"HIV-Infected" or "HIV infection" means infected with HIV, as evidenced by a confirmed laboratory test for antibodies to HIV as specified in Section 697.100, viral culture or positive antigen test or a clinical diagnosis of AIDS.

"Laboratory" means any facility or location at which tests are performed to determine the presence of antibodies to HIV, other than blood banks.

"Legally Authorized Representative" means an individual who is authorized to consent to HIV testing and/or disclosure of HIV test results for an individual who is:

Under the age of twelve (12),

Deceased,

Declared incompetent by a court of law, or

Otherwise not competent to consent (For reasons other than age such as the apparent inability to understand or communicate with the health care provider) as determined by the health care provider seeking such consent.

The following individuals shall be authorized to consent, in the stated order of priority:

For a living or deceased child under the age of eighteen (18):

Parent, legal guardian or other court-appointed personal representative,

Adult next-of-kin.

For a living or deceased adult age eighteen (18) or over:

Agent authorized by durable power of attorney for health care,

Legal guardian or other court-appointed personal representative,

Spouse,

Adult children,

Parent,

Adult next-of-kin.

"Local Health Authority" means the full-time official health Department or Board of Health, having jurisdiction over a particular area. (Illinois Sexually Transmissible Disease Control Act ~~††††-Rev-~~

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Stat--1991r-ch--111-1/2r-par--7401-et-seq-- [410 ILCS 3251]

"Person" includes any natural person, partnership, association, joint venture, trust, governmental entity, public or private corporation, health facility or other legal entity. (Section 3(h) of the AIDS Confidentiality Act.)

"Physician" means a physician licensed to practice medicine under the Medical Practice Act of 1987 **††††-Rev--Stat--1991r--ch--111r--par--4400-1-et-seq--** [225 ILCS 60].

"Test" or "HIV Test" means a test to determine the presence of the antibody or antigen to HIV, or of HIV infection. (Section 3(g) of the AIDS Confidentiality Act.)

"Written Informed Consent" means an agreement in writing executed by the subject of a test or the subject's legally authorized representative without undue inducement such as any element of force, fraud, deceit, duress or other form of constraint or coercion (See Appendix A, Illustration A), which entails at least the following:

A fair explanation of the test, including its purpose, potential uses, limitations and the meaning of its results; and

A fair explanation of the procedures to be followed, including the voluntary nature of the test, the right to withdraw consent to the testing process at any time prior to the completion of the laboratory tests, the right to anonymity to the extent provided by law with respect to participation in the test and disclosure of test results, and the right to confidential treatment of information identifying the subject of the test and the results of the test, to the extent provided by law. (Section 3(d) of the AIDS Confidentiality Act.)

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 697.30 Incorporated Materials

The following materials are incorporated or referenced in this Part:

- a) Illinois Statutes
 - 1) AIDS Confidentiality Act **††††-Rev--Stat--1991r-ch--111-1/2r-par--7301-et-seq--** [410 ILCS 305],
 - 2) AIDS Registry Act **††††-Rev--Stat--1991r-ch--111-1/2r--par--7351-et-seq--** [410 ILCS 310],
 - 3) The Communicable Disease Prevention Act **††††-Rev--Stat--1991r-ch--111-1/2r-par--22-10-et-seq--** [410 ILCS 315],
 - 4) The Unified Code of Corrections **††††-Rev--Stat--1991r--ch--1001-1-et-seq--** [730 ILCS 5],
 - 5) The Medical Patient Rights Act **††††-Rev--Stat--1991r-ch--**

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- 6) The Civil Administrative Code of Illinois **††††-Rev--Stat--1991r-ch--127r-par--55-10-55-45--** [20 ILCS 2310/55 to 55.45].

b) Illinois Rules

- 1) Control of Communicable Disease Code (77 Ill. Adm. Code 690) (See in particular Section 697.140(a)(4) of this Part),
- 2) Control of Sexually Transmissible Diseases Code (77 Ill. Adm. Code 693) (See in particular Sections 697.140(a)(4) and 697.210(a) of this Part),
- 3) Illinois Clinical Laboratories Code (77 Ill. Adm. Code 450) (See in particular Section 697.180(c) and (e)),
- 4) Blood Labeling Code (77 Ill. Adm. Code 460) (See in particular Section 697.180(c) and (e) of this Part),
- 5) Sperm Bank and Tissue Bank Code (77 Ill. Adm. Code 470) (See in particular Section 697.180(c) and (e)),
- 6) Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100) (See in particular Section 697.40 of the Part),
- 7) Illinois Blood Bank Code (77 Ill. Adm. Code 490).

c) Federal Rules

42 CFR 2a. 4(a) - (j), 2a. 6(a) - (b), and 2a. 7(a) - (b).

d) Other Codes, Guidelines and Standards

- 1) "Revision of the CDC Surveillance Case Definition for Acquired Immunodeficiency Syndrome," Centers for Disease Control and Prevention. Morbidity and Mortality Weekly Report (MMWR) Supp., December 18, 1992; 41(RR-17), Public Health Service, U.S. Department of Health and Human Services, Atlanta, Georgia 30333. (See the definition of AIDS in Section 697.20)
- 2) The "HIV/AIDS Confidential Case Report", as modified by the Department, a form prepared by the Centers for Disease Control and Prevention, Public Health Service, U.S. Department of Health and Human Services, Atlanta, Georgia 30333, Office of Management and Budget No. 0920-0009. (1993) (See Section 697.210)
- 3) Guidelines for the Management of Chronic Infectious Diseases in School Children. (See Section 697.410)
- 4) "1993 Revised Classification Scheme for HIV Infection", Centers for Disease Control and Prevention, Morbidity and Mortality Weekly Report (MMWR). Vol. 41, No. RR-17, December 18, 1992, Public Health Service, U.S. Department of Health and Human Services, Atlanta, Georgia 30333.
- e) All citations to federal regulations in this Part concern the specified regulations in the 1994 Code of Federal Regulations, unless another date is specified.
- f) All incorporations by reference of federal regulations or standards and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any additions or deletions subsequent to the date specified.

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(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART B: HIV TESTING

Section 697.120 Written Informed Consent

- a) No person may order an HIV test without first receiving the written, informed consent of the subject of the test or the subject's legally authorized representative, except as provided in subsection (b). (Section 4 of the AIDS Confidentiality Act.) (See--Appendix--A--Illustration--A--for--a--Sample--Written--Informed--Consent--Form)
- 1) This written informed consent and test results must be obtained by the physician ordering the test or by another physician involved in the patient's care.
- 2) The responsibility of obtaining written informed consent may not be delegated by the physician. However, the task of obtaining written informed consent from the patient may be delegated to another health care provider who is knowledgeable about HIV infection, including possible medical and psychosocial aspects of such infection.
- b) Written informed consent to perform an HIV test is not required in the following situations:
 - 1) When the health care provider or health facility procures, processes, distributes or uses a human body part donated for purposes specified under the Uniform Anatomical Gift Act, or the Organ Donation Request Act and the test is performed to assure the medical acceptability of the human body part. (Section 7 of the AIDS Confidentiality Act.)
 - 2) When the health care provider or health facility procures, processes, distributes or uses semen provided prior to September 21, 1987, for the purpose of artificial insemination and the test is performed to assure the medical acceptability of the semen. (Section 7 of the AIDS Confidentiality Act.)
 - 3) When the testing is for the purpose of research and performed in such a way that the identity of the test subject is not known and may not be retrieved by the researcher, and in such a way that the test subject is not informed of the results of the testing. (Section 8 of the AIDS Confidentiality Act.)
 - 4) When an HIV test is performed upon a person who is specifically required by state or federal law to be tested, such as blood, plasma, semen and human tissue donors, immigrants to the United States, and persons required to be tested pursuant to Section 5-5-3 of the Unified Code of Corrections). (Section 11 of the AIDS Confidentiality Act.)
 - 5) When an insurance company, fraternal benefit society, health services corporation, health maintenance organization, or any other insurer subject to regulation under the Illinois Insurance

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Code, as amended requires any insured patient or applicant for new or continued insurance or coverage to be tested for infection with HIV or any other identified causative agent of AIDS. (Section 3 of AN ACT concerning certain rights of medical patients, #111--Rev--Stat--1989--ch--111--1/27--par--5493). (See Section 697.160.)

- 6) When a health care provider or employee of a health facility, or a firefighter or an Emergency Medical Technician-Ambulance (EMT-A), Emergency Medical Technician-Intermediate (EMT-I) or Emergency Medical Technician-Paramedic (EMT-P) is involved in an accidental direct skin or mucous membrane contact with the blood or bodily fluids of an individual which is of a nature that may transmit HIV, as determined by a physician in his medical judgment. Should such test prove to be positive, the patient shall be provided appropriate counseling consistent with this Act. (Section 7 of the AIDS Confidentiality Act).
- 7) When in the judgment of the physician, such testing is medically indicated to provide appropriate diagnosis and treatment to the subject of the test, provided that the subject of the test has otherwise provided his or her consent to such physician for medical treatment. (Section 8 of the AIDS Confidentiality Act).
- 8) For a health care provider or health facility to perform a test when a law enforcement officer is involved in the line of duty in a direct skin or mucous membrane contact with the blood or bodily fluids of an individual which is of a nature that may transmit HIV, as determined by a physician in his medical judgment. Should such test prove to be positive, the patient shall be provided appropriate counseling consistent with this Act. For purposes of this subsection (c) (of the Act), "Law Enforcement Officer" means any person employed by the State, a county or a municipality as a policeman, peace officer, auxiliary-policeman, correctional officer or in some like position involving the enforcement of the law and protection of the public interest at the risk of that persons life. (Section 7 of the AIDS Confidentiality Act).

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 697.140 Nondisclosure of the Identity of a Person Tested or Test Results

- a) No person may disclose or be compelled to disclose the identity of any person upon whom a test is performed, or the results of such a test in a manner which permits identification of the subject of the test, except to the following persons (Section 9 of the AIDS Confidentiality Act):
 - 1) The subject of the test or the subject's legally authorized

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- representative (Section 9(a) of the AIDS Confidentiality Act);
- 2) Any person designated in a legally effective release of the test results executed by the subject of the test or the subject's legally authorized representative. (Section 9(b) of the AIDS Confidentiality Act) A legally effective release means a written release of medical information specific to HIV test results signed by the test subject. A general release is not sufficient. A single form may be used to authorize the release of medical records including HIV information provided such form specifically authorizes the release of any HIV information. Any such release, under this subsection, for HIV information must not reveal whether or not the information exists.
- 3) An authorized agent or employee of a health facility or health care provider or referring, treating or consulting physician, dentist, or podiatrist of the test subject, if
- A) The health facility or health care provider itself is authorized to obtain the test results (Health Facility or Health Care Provider, for the purposes of this subsection, include the medical records or similar personnel who handle and process medical records for that health facility or health care provider),
- B) The agent or employee or referring, treating or consulting physician, dentist, or podiatrist of the test subject provides patient care or handles or processes specimens of body fluids or tissues, and
- C) The agent or employee ~~the agent or employee~~ or referring, treating or consulting physician of the test subject has a need to know such information. (Section 9(c) of the AIDS Confidentiality Act) An authorized agent or employee of a health facility or health care provider ~~An authorized agent or employee of a health facility or health care provider~~ or referring, treating or consulting physician, dentist, or podiatrist has a need to know ~~need to know~~ the identity of the patient or the test results revealing the identity of the patient under the following circumstances:
- i) When involved in direct patient care or handling or processing blood or bodily fluids for which this information is necessary in order to meet the medical needs of the patient, as certified by a physician, dentist, or podiatrist, or
- ii) When involved in an accidental direct skin or mucous membrane contact with the blood or bodily fluids of a patient which is of a nature likely to transmit HIV, such as needle stick or percutaneous exposure, as certified by a physician, dentist, or podiatrist.
- 4) The Department or the Local Health Authority, in accordance with rules for reporting and controlling the spread of disease, or as otherwise provided by State law (See 77 Ill. Adm. Code 690, 693,

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- 250, 300, 330, 350, 370, 390, and 840.)
- 5) A health facility or health care provider which procures, processes, distributes or uses:
- A) A human body part from a deceased person with respect to medical information regarding the person; or
- B) Semen provided prior to September 21, 1987, for the purpose of artificial insemination (Section 9(e) of the AIDS Confidentiality Act);
- 6) Health facility staff committees for the purpose of conducting program monitoring, program evaluation or service reviews (Section 9(f) of the AIDS Confidentiality Act);
- 7) A person ~~allowed access to said record by a court order which is issued in compliance with the provisions of Section 9(g) of the AIDS Confidentiality Act.~~
- 78) A school principal in accordance with the provisions of Section 697.400 of this Part.
- 89) Any health care provider or employee of a health facility, and any firefighter or any EMT-A, EMT-I, EMT-P involved in an accidental direct skin or mucous membrane contact with the blood or bodily fluids of an individual which is of a nature that may transmit HIV, as determined by a physician in his medical judgment. (Section 9(h) of the AIDS Confidentiality Act).
- 910) Any law enforcement officer, as defined in subsection (c) of Section 7, involved in the line of duty in a direct skin or mucous membrane contact with the blood or bodily fluids of an individual which is of a nature that may transmit HIV, as determined by a physician in his medical judgment. (Section 9(i) of the AIDS Confidentiality Act).
- 1011) A temporary caretaker of a child taken into temporary protective custody by the Department of Children and Family Services pursuant to Section 5 of the Abused and Neglected Child Reporting Act, as now or hereafter amended. (Section 9(j) of the AIDS Confidentiality Act).
- b) HIV test results may be disclosed to health care providers and researchers when done in a manner which does not reveal the identity of the subject of the test. Any test results which cannot be revealed without identifying the subject of the test shall only be disclosed in accordance with the provisions of subsections (a) (1) through (9) specified above. The Department shall disclose test results and demographic data without identifying information to researchers in accordance with Section 697.220.
- c) The written informed consent form and HIV test results may be maintained in a confidential manner which allows disclosure only to persons authorized to receive the information under the provisions of subsections (a)(1) through (9) specified above.
- 1) The written informed consent form and HIV test results may be maintained in a patient's medical record provided these materials are maintained in such a manner that does not permit disclosure

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to persons who may review the patient's medical record, but are not authorized to receive this information.

- 2) Any procedure utilized to maintain this information in a patient's medical record must be uniform and consistent for all patient records, in order to prevent revealing the existence or contents of this information. A procedure is uniform if medical records containing written informed consent forms and HIV test results cannot be distinguished from medical records which do not contain such information, unless the medical record is accessed and read. An example of such a procedure is one which establishes a segregated or separate confidential sealed portion of the medical record in every patient record with access restricted to persons authorized to receive the contents.

d) Liability and Sanctions

- 1) Nothing in this Act shall be construed to impose civil liability or criminal sanction for disclosure of a test result in accordance with any reporting requirement of the Department for a diagnosed case of HIV infection, AIDS or a related condition. (Section 15 of the AIDS Confidentiality Act)
- 2) Nothing in this Act shall be construed to impose civil or criminal sanction for performing a test without written informed consent pursuant to the provisions of subsection (b) or (c) of Section 7 of the AIDS Confidentiality Act. (Section 15 of the AIDS Confidentiality Act.)
- 3) The intentional or reckless violation of the AIDS Confidentiality Act or any regulation issued hereunder shall constitute a class B misdemeanor. (Section 12 of the AIDS Confidentiality Act.)
- e) Sections 697.110, 697.120, 697.130 and 697.140 shall not apply to eligibility and coverage requirements established by a health maintenance organization nor to any insurance company fraternal benefit society, or other insurer regulated under the "Illinois Insurance Code," as amended. (Section 15.1 of the AIDS Confidentiality Act.)

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART C: HIV/AIDS REGISTRY SYSTEM

Section 697.200 HIV/AIDS Registry System

The HIV/AIDS Registry System has been created to compile more complete and precise statistical data than is presently available in order to evaluate AIDS treatment and prevention measures. The AIDS Registry System is a compilation of information concerning diagnosed cases of AIDS and HIV.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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Section 697.210 Reporting Requirements

- a) Local Health Authorities which receive HIV/AIDS reports from physicians or hospitals shall report to the HIV/AIDS Registry System within seven (7) days after receiving the AIDS report. Prior to forwarding an HIV report to the Department, a Local Health Authority shall replace an individual's name with a unique identifier derived by methodology specified by the Department. (See Control of Sexually Transmissible Disease Code, 77 Ill. Adm. Code 699.30.)
- b) The report shall be provided upon the "HIV/AIDS Confidential Case Report", as modified by the Department, a form prepared by the Centers for Disease Control and Prevention, Public Health Service, U.S. Department of Health and Human Services, Atlanta, Georgia 30333, OMB No. 0920-0009 and supplied by the Department.
- c) The Department requests, but does not require, hospitals maintained by the Federal Government or other governmental agencies within the United States to report HIV/AIDS case information concerning present or past residents of Illinois, using the "HIV/AIDS Confidential Case Report", as modified by the Department.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 697.220 Release of HIV/AIDS Registry Information

- a) The Department may not release information gathered pursuant to this Act (AIDS Registry Act) unless:

- 1) It is in statistical form that does not identify the reporting entity, physician or patient in any way, including by address non-identifiable;
- 2) The release or transfer is to an Illinois Local Public Health Department or to a registry or health department of another state, and is of information concerning a person who is residing in that jurisdiction. The Department shall disclose individual patient information concerning residents of another state to the Registry in the individual's state of residence if the recipient of reported information about HIV/AIDS is legally required to hold reported information about HIV/AIDS in confidence and provides protection from disclosure of patient identifying information equivalent to the protection afforded by the Illinois law. (Section 7(a) of the AIDS Registry Act)
- b) All data obtained directly from medical records of individual patients shall be for the confidential use of the Department and those entities authorized by the Department to view such records in order to carry out the purposes of the registry act. (Section 7(b) of the AIDS Registry Act)
- c) The identity of any person whose condition or treatment has been studied, or any facts which are likely to reveal the identity of such

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person, shall be confidential and shall not be revealed in any report or any other matter prepared, released or published. Researchers may, however, use the names of persons when requesting additional information for research studies approved by the Department; provided however, that when a request for additional information is to be made, the Department shall first obtain authorization from the patient or the patient's legally authorized representative after ascertaining that a test subject's physical and psychological condition is suitable for such a request in the opinion of the test subject's physician. (Section 7(c) of the AIDS Registry Act)

1) All requests by medical or epidemiologic researchers for confidential Registry data must be submitted in writing to the Registry. The request must include a study protocol which contains: objectives of the research; rationale for the research including scientific literature justifying current proposal; overall study methods, including copies of forms, questionnaires, and consent forms used to contact facilities, physicians or study subjects including methods for documenting compliance with 42 CFR 2a.4(a) - (j), 2a.6(a)-(b), and 2a. 7(a)-(b)(1); methods for the processing of data; storage and security measures taken to insure confidentiality of patient identifying information; time frame of the study; a description of the funding source of the study (e.g., federal contract); the curriculum vitae of the principal investigator and a list of collaborators. In addition, the research request must specify what patient or facility identifying information is needed and how the information will be used.

2) All requests to conduct research and modifications to approved research proposals involving the use of data which includes patient or facility identifying information shall be subject to a review to determine compliance with the following conditions. The Department will enter into contracts for research which require the release of patient or facility identifying information when requests meet the following conditions:

- The request for patient or facility identifying information contains stated goals or objectives;
- The request documents the feasibility of the study design in achieving the stated goals and objectives;
- The request documents the need for the requested data to achieve the stated goals and objectives;
- The requested data can be provided within the time frame set forth in the request;
- The request documents that the researcher has qualifications relevant to the type of research being conducted;
- The research will not duplicate other research already underway using the same Registry data; and
- The request documents other such conditions relevant to the need for the patient or facility identifying information and

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the patient's confidentiality rights, because the Department will only release the patient or facility identifying information which is necessary for the research.

3) The Department will enter into research contracts for all approved research requests. These contracts shall specify exactly what information is being released and how it can be used. In addition, the researcher shall include assurances that:

- The researcher understands that use of data is restricted to the specifications of the protocol;
 - The researcher understands that any and all data which may lead to the identity of any patient, research subject, physician, other person, or hospital are strictly privileged and confidential and agrees to keep all such data strictly confidential at all times;
 - The researcher understands that all officers, agents and employees are to keep all such data strictly confidential;
 - The researcher agrees to communicate the requirements of this Section to all officers, agents, and employees, to discipline all persons who may violate the requirements of this Section, and to notify the Department in writing within forth-eight (48) hours of any violation of this Section, including full details of the violation and corrective actions to be taken;
 - The researcher understands that all data provided by the Department pursuant to this contract may only be used for the purposes named in this contract and that any other or additional use of the data shall result in immediate termination of this contract by the Department; and
 - The researcher understands that all data provided by the Department pursuant to this contract is the sole property of the Department and may not be copied or reproduced in any form or manner and agrees to return all data and all copies and reproduction of the data to the Department upon termination of the contract.
- 4) Any departures from the approved protocol must be submitted in writing and approved by the Director in accordance with subsection (c)(2) of this Section prior to initiation. No patient or facility identifying information may be released by a researcher to a third party.
- 5) The Department shall disclose individual patient or facility information to the reporting facility which originally supplied that information to the Department, upon written request of the facility.
- d) HIV/AIDS information may be disclosed in accordance with the provisions of Sections 697.140 and 697.400 of this Part.
- e) No liability shall attach to any hospital, physician or other facility submitting information pursuant to this Act based upon a claim that such hospital, physician or facility reported information which may be

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confidential. (Section 7(d) of the AIDS Registry Act)

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART D: HIV COUNSELING AND TESTING CENTERS

Section 697.300 HIV Counseling and Testing Centers

a) The Department shall establish alternative blood and HIV test services, known as "HIV Counseling and Testing Centers". Such facilities shall be operated by the Department or Designated Agencies. These facilities shall provide services in accordance with the provisions of this Part and the applicable provisions of the Sexually Transmissible Diseases Code (77 Ill. Adm. Code 693, specifically Sections 693.40, 693.70, 693.80, 693.90, 693.100, 693.120, 693.130 and 693.140.)

1) These facilities shall not be operated by blood banks, plasma centers or hospitals. (Section 55.41 of the Civil Administrative Code of Illinois)

2) Physicians and other health care providers may refer HIV-infected persons to these facilities for counseling.

3) Any person twelve (12) years of age or older may consent to testing and counseling at an HIV Counseling and Testing Center.

b) No person may be subjected to an HIV antibody test at HIV Counseling and Testing Centers, unless written informed consent is first obtained from the test subject or the test subject's legally authorized representative. (See Appendix A, Illustration A for a Sample Written Informed Consent Form.)

c) All persons seeking counseling and testing at a HIV Counseling and Testing Center shall remain anonymous and shall provide written informed consent using a coded system. All patient records shall be maintained using this code system.

d) The HIV Counseling and Testing Centers shall provide counseling to the test subject prior to performing the test. Such counseling shall include, but not necessarily be limited to:

- 1) information about the natural history of HIV infection and HIV transmission;
 - 2) information about the meaning of the test and test results; such as the purpose, potential uses, limitations of the test and test results and the statutory rights to anonymous testing and to confidentiality; and about the availability of additional or confirmatory testing;
 - 3) information about the availability of referrals for further information, or counseling; and
 - 4) methods for prevention of transmission of HIV.
- e) Contact interview and investigation services shall be provided only by counselors who have completed a course of training which included

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instruction in the following:

- 1) The etiology and transmission of HIV, including associated risk behaviors and activities and patient profiles of persons as significant risk of HIV infection;
- 2) The natural history and progression of HIV infection;
- 3) Methods for preventing transmission of HIV infection;
- 4) Principles and techniques of counseling, including demonstration of interviewing and counseling skills needed for epidemiologic management of HIV infected persons, critiqued role-playing, psychologic assessment and crisis intervention;
- 5) Principles and techniques of contact investigation and referral; and
- 6) Principles of communicable diseases.

f) It shall be the duty of every person providing results of an HIV antibody test to provide the subject of the test with an explanation of the test results, methods for prevention of HIV transmission, and referrals for medical and psychological follow-up appropriate to the needs of the test subject. These referrals shall include appropriate referrals to physicians who will provide services to seropositive individuals, tuberculosis and sexually transmissible disease services facilities for psychological counseling and crisis intervention and substance abuse treatment facilities as available.

g) All persons with a positive HIV antibody test shall be offered the assistance of health professionals in locating and referring sex and needle sharing contacts for counseling and testing, with the consent of the infected person. All persons refusing such assistance shall be strongly encouraged to notify their previous sex and needle sharing contacts of their possible exposure to HIV, and to refer such contacts for counseling and possible testing.

- 1) HIV infected persons shall be asked to identify their sex and needle-sharing contacts for the preceding twelve month period. The counselor shall discuss the specific nature of each contact with the client to determine the likelihood of HIV transmission based on the type of sexual or needle-sharing practice, involved and the counselor's knowledge of risk factors.
- 2) Those contacts determined to be at significant risk of infection, in the professional judgment of the counselor based on the type of sexual or needle sharing practice involved and the counselor's knowledge of risk factors, shall be investigated. Investigation shall be conducted for contacts for whom sufficient information to identify the person is available, such as first and last name, street address, or telephone number.

3) The counselor may prioritize the order in which contacts are to be investigated. The counselor shall provide first priority to those contacts who (based again on the counselor's professional judgement), except for contact notification, may not have reason to suspect they may be infected because the counselor has no information that the contacts:

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- i) fraud, deceit or other constraint or coercion.
It shall be the duty of every person with access to an individual's HIV antibody test results to maintain strict confidentiality of those results and the test subject's identity as required by law as specified in Section 697.140.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART E: MISCELLANEOUS PROVISIONS

Section 697.400 Notification of School Principals

- a) Whenever a child of school age is reported to the Department or to a local health department as having been diagnosed as having AIDS or-AR-AG or as having been shown to have been exposed to Human Immune Deficiency Virus (HIV) (or any other identified causative agent of AIDS) by testing positive on a Western Blot Assay or more reliable tests as specified in Section 697.100, such department shall give prompt (within three working days) and confidential notice of the identity of the child to the principal of the school in which the child is enrolled. If the child is enrolled in a public school, the principal shall disclose the identity of the child to the superintendent of the school district in which the child resides. (Section 2a of the Communicable Disease Prevention Act [410 ILCS 315/2a]) (Section--22--22a--of--"AN-Act-in-relation-to-the-prevention-of-certain-communicable-diseases"--(111-Rev-Stat--1987--ch--111-127 par--22-11-et-seq--7-as-amended-by-P-74-05-1997-effective-September-27-1988). School age is defined as between ages 5 and 21 by Section 10-20.12 of the The School Code [105 ILCS 5/10-20.12] (111-Rev-Stat--1987--ch--122--par--10-20-12) and between ages 3 and 21 for handicapped children by the Education For All Handicapped Children Act (20 U.S.C. Section 1412 (1)(B)). Diagnosed cases and laboratory results are reported to the Department in accordance with the provisions of the "Control of Sexually Transmissible Diseases Code" (77 Ill. Adm. Code 693). If the child resides in a county or city governed by a full-time Local Health Authority, such notification shall be the responsibility of the Local Health Authority. In all other cases, such notification shall be responsibility of the Department. The Local Health Authority or the Department shall offer assistance to the principal concerning HIV, the availability of counseling and training, and guidelines for management of the child in the classroom.
- b) Upon receipt of such notice, the principal may, as necessary such as when a student needs medical attention or must take medication during school attendance, or when the student's clinical condition necessitates other services, disclose the identity of an infected child to the school nurse at that school, the classroom teachers in

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- A) are aware of having engaged in behavior likely to result in exposure and/or
B) are knowledgeable about the type of behavior carrying such risks.
- 4) Persons choosing to self-refer their contacts shall receive intensive individualized instruction and counseling in methods to provide this notification and referral.
- 5) Contacts to persons with HIV infection, identified through the contact interview and investigative process, shall be counseled, confidentially and in person, regarding the possibility of infection, methods to prevent the spread of the infection, and services available from public health agencies. Such persons shall also be offered testing to determine infection.
- 6) If such person is legally unable to agree to counseling due to age or legal incompetence, consent and participation in counseling shall be requested of the individual's parent or legal guardian. If such person is legally able to agree to but appears to be incapable of understanding and competently acting on such counseling, in the professional judgment of the counselor, participation in counseling shall be requested of a parent or other person chosen by the client.

7) Record Retention

- A) All records regarding contacts to cases of AIDS or HIV infection, and all information collected in investigations and interviews pursuant to this Section shall be confidential and shall at all times be maintained in the same manner as those maintained for reported cases of AIDS or HIV infection. (See Section 697.140 and 77 Ill. Adm. Code 693.30(c).) of-contacts-to-HIV-infection-shall-be-maintained-until-the-local-health-authority-designated-agency-or-the-department-is-able-to-document-that-counseling-has-been-provided-to-the-contact-or-document-that-all-attempts-to-locate-the-contact-have-been-unsuccessful--in-no-case-shall such-records-be-maintained-for-a-period-to-exceed-six-months--After-six-months-such-records-shall-be-destroyed-completely-by-shredding-or-other-form-of-obiteration--All-records-shall-be-confidential-and-shall-at-all-times-be-maintained-in-the-same-manner-as-those-maintained-for-reported-cases-of-AIDS-or-HIV-infection--(See-Section 697-140-and-77-111-Adm-Code-693-30(c))
- B) It shall be the duty of every person conducting an HIV test in a HIV Counseling and Testing Center to provide results of the test only to the individual upon whom the test was performed. Such results are to be provided only in an individual face-to-face interview. The test subject may elect to have other persons present during the interview. It shall be the duty of the person providing the counseling to determine that the presence of a second party during the interview is not the result of undue inducement such as any element of force,

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whose classes the child is enrolled, and those persons who, pursuant to Federal or state law, are required to decide the placement or educational program of the child. In addition, the principal may inform such other persons as may be necessary in the opinion of the principal that an infected child is enrolled at that school so long as the child's identity is not revealed. (Section 2a of the Communicable Disease Prevention Act (410 ILCS 315/2a)) (Section 22-12a of "AN ACT in relation to the prevention of certain communicable diseases" (111 Rev. Stat. 1987, ch. 111, § 23, par. 22-11 et seq.))

- c) No person to whom the child's identity is disclosed may disclose such information to any other person except as permitted by law (Sections 9 and 10 of the AIDS Confidentiality Act).

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 697.420 Testing, Treatment or Counseling of Minors

Any person twelve (12) years of age or older who may have come in contact with any STD, such as AIDS, ARE or HIV infection may consent to testing and to medical care and/or counseling related to the diagnosis and/or treatment of such diseases. Section 4504 of "AN ACT in relation to the performance of medical, dental or surgical procedures on and counseling for minors." (111 Rev. Stat. 1987, ch. 111, par. 4504)

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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Section 697. APPENDIX A Sample HIV Testing Forms

Section 697. ILLUSTRATION A Sample Written Informed Consent Form (Repealed)

WRITTEN CONSENT FOR HIV ANTIBODY TESTING

Test Subject or Number: _____ Date: _____ (AM) (PM)
Time: _____

I am giving my permission for a blood test in order to detect whether I have antibodies to the HIV virus (Human Immunodeficiency Virus) or any other identified causative agent of AIDS in my blood. I understand that the test results will be utilized for the purposes of my medical care and treatment. I understand that the test is performed by withdrawing a sample of my blood and conducting laboratory tests to determine the presence of antibodies to HIV. I understand that the results of the blood tests considered to be positive will be reported to the Illinois Department of Public Health. I further understand that a positive result does not mean I have AIDS, but that my blood has been exposed to the AIDS virus and antibodies to that virus are present in my blood. I understand that counseling concerning AIDS will be offered to me if my test results are found to be positive. I have been informed and understand that test results in a percentage of cases may indicate that a person has antibodies to the virus when the person fails to detect that a person has antibodies to the virus when the person does not have the antibodies (a false positive result) or that the test may in fact have these antibodies (a false negative result). I understand that my test results will be released to my physicians and other health care providers providing my care. In addition, I understand that the law allows my identity and test results to be disclosed to specific persons such as the physicians and health care providers involved in the use of any donated organs or tissue and the Illinois Department of Public Health, health care facility staff, committees and research studies (without name). I understand that my test results will be kept confidential to the extent provided by law. I understand further that upon my request and when permitted by law, my written consent and test results will be coded so as not to connect the written consent form and the test results. In addition, I understand that I may withdraw from the testing at any point in time prior to the completion of laboratory tests.

My physician has advised me about the purpose, potential uses, limitations, and meaning of the test results, the voluntary nature of the test, the right to withdraw at any time prior to the completion of laboratory tests, the right to anonymity, and the confidentiality protections under the law. With the information presented above having been completely and clearly explained to me and all of my questions having been answered, I hereby authorize physician and/or Hospital or health care facility to test my blood for HIV infection and

(Signature or Notation of the Test Subject
or Signature of a Legally Authorized

(Signature of Physician)

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Representative

Date Signed

(Source: Repealed at 22 Ill. Reg. _____, effective _____)

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Section 697.APPENDIX B Statutory and Regulatory References to AIDS (Repealed)

- a) The following is a list of statutory and regulatory references found in Illinois:
- 1) Sections 5-2 and 5-5-5 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, ch. 23, pars. 5-2 and 5-5.5)
 - 2) Section 1005-5-3 of the Unified Code of Corrections (Ill. Rev. Stat. 1989, ch. 38, par. 1005-5-3)
 - 3) Section 204 of the Illinois Marriage and Dissolution of Marriage Act (Ill. Rev. Stat. 1989, ch. 40, par. 204) (See 77 Ill. Adm. Code 693 and 697 for Department rules.)
 - 4) Section 22-04 of the "AN-69" in relation to public health (Ill. Rev. Stat. 1989, ch. 11, 172, par. 22-04)
 - 5) Section 22-12a of the "AN-69" in relation to the prevention of certain communicable diseases (Ill. Rev. Stat. 1989, ch. 11, 172, par. 22-12a) (See 77 Ill. Adm. Code 697, 400 for Department rules.)
 - 6) Section 308 of the Uniform Anatomical Gift Act (Ill. Rev. Stat. 1989, ch. 11, 172, par. 308)
 - 7) Sections 6-007, 147-007, 147-09 and 152-2 of the Hospital Licensing Act (Ill. Rev. Stat. 1989, ch. 11, 172, par. 147-007) (See 77 Ill. Adm. Code 350 for Department rules.)
 - 8) Section 604, 101, 603, 102 and 607, 106 of the Illinois Blood Bank Act (Ill. Rev. Stat. 1989, ch. 11, 172, par. 601, 101 et seq.) (See 77 Ill. Adm. Code 490 and 460 for Department rules.)
 - 9) Section 620-3.1 of the Blood Labeling Act (Ill. Rev. Stat. 1989, ch. 11, 172, par. 620, 1 et seq.) (See 77 Ill. Adm. Code 490 and 460 for Department rules.)
 - 10) Section 162 of the Illinois Health Facilities Planning Act (Ill. Rev. Stat. 1989, ch. 11, 172, par. 115, 1 et seq.) (See 77 Ill. Adm. Code 110 for Department rules.)
 - 11) Sections 2-04 and 3 of the "AN-69" concerning certain rights of medical patients (Ill. Rev. Stat. 1989, ch. 11, 172, par. 5401 et seq.) (See 77 Ill. Adm. Code 697.)
 - 12) Section 6 of the Illinois Health Statistics Act (Ill. Rev. Stat. 1989, ch. 11, 172, par. 566)
 - 13) Section 6 of the Alcoholism and Substance Abuse Act (Ill. Rev. Stat. 1989, ch. 11, 172, par. 606)
 - 14) AIDS Registry Act (Ill. Rev. Stat. 1989, ch. 11, 172, par. 7357 et seq.) (See 77 Ill. Adm. Code 697, Subpart C for Department rules.)
 - 15) AIDS Confidentiality Act (Ill. Rev. Stat. 1989, ch. 11, 172, par. 7301 et seq.) (See 77 Ill. Adm. Code 697 for Department rules.)
 - 16) Illinois Sexually Transmissible Disease Control Act (Ill. Rev. Stat. 1989, ch. 11, 172, par. 7401 et seq.) (See 77 Ill. Adm. Code 693 for Department rules.)
 - 17) Section 663 of the Critical Health Problems and Comprehensive

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Health-Education-Act

(111-Rev-Stat-1989-CH-127-PAR-863)

18) Sections 10-22-397-27-9-17-27-9-2-and-34-18-7-of-the-School-Code
(111-Rev-Stat-1989-CH-127-PAR-10-22-397-27-9-17-27-9-2-and-34-18-7)

19) Section 11-of-AN-AGW-in-relation-to-communicable-disease
reports
(111-Rev-Stat-1989-CH-126-PAR-21)
(See-77-111-Adm-Code-690-for-Department-rules-)

20) Sections 557-55-417-55-457-55-50-of-the-Civil-Administrative-Code
of-Illinois
(111-Rev-Stat-1989-CH-127-PAR-55-ET-SEQ)
(See-77-111-Adm-Code-693-and-697-for-Department-rules-)

b) Statutory-materials-may-be-obtained-from-the-index-Department-of-the
Secretary-of-State's-Office-and-will-be-complied-in-the-compilation
known-as-the-Illinois-Revised-Statutes.

c) Regulatory-materials-may-be-obtained-from-the-Administrative-Code
Division-of-the-Secretary-of-State's-Office-or-the-promulgating
agency.

(Source: Repealed at 22 Ill. Reg. _____, effective
_____)

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1) Heading of the Part: Control of Sexually Transmissible Diseases Code

2) Code Citation: 77 Ill. Adm. Code 693

3) Section Numbers: Proposed Action:
693.10 Amendment
693.15 Amendment
693.30 Amendment
693.40 Amendment
697.100 Amendment

4) Statutory Authority: Implementing and authorized by the Illinois Sexually Transmissible Disease Control Act [410 ILCS 325] and Sections 2 and 6 of the Department of Public Health Act [20 ILCS 2305/2 and 6].

5) A Complete Description of the Subjects and Issues Involved: This rulemaking will require health care providers to report to the State the names of people who test positive for HIV infection. HIV cases are currently reported to the Department with information about age, race, gender, city of residence, and how the person became infected. The amendments will require local health authorities that receive reports of HIV infection from health care providers to replace the person's name with a unique identifier before submitting the report to the Department. Additional confidentiality provisions that were added to the Illinois Sexually Transmissible Disease Control Act in P.A. 89-381 are also included in the proposed rules. These provisions prohibit the Department and its authorized representative from disclosing information and records held by them concerning cases of sexually transmissible diseases.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No

7) Does this Rulemaking Contain an Automatic Repeal Date? No

8) Does this Rulemaking Contain Any Incorporations By Reference? No

9) Are there any other Proposed Amendments Pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the *Illinois Register* by writing to:

Ms. Gail M. DeVito
Division of Legal Services
Illinois Department of Public Health

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535 West Jefferson, Fifth Floor
Springfield, IL 62761
217/782-2043
E-mail: rules@idph.state.il.us

12) Initial Regulatory Flexibility Analysis:

- A) Type of Small Businesses, Small Municipalities and Not-for-Profit Corporations Affected: None
- B) Reporting, Bookkeeping or Other Procedures Required for Compliance: None
- C) Types of Professional Skills Necessary for Compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on the most recent regulatory agenda because the decision to propose this rulemaking had not been made when the Regulatory Agenda was finalized.

The full text of the Proposed Amendments begins on the next page:

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER k: COMMUNICABLE DISEASE CONTROL AND IMMUNIZATIONS

PART 693

CONTROL OF SEXUALLY TRANSMISSIBLE DISEASES CODE

Section	Definitions
693.10	Incorporated Materials
693.15	Reportable STDs and Laboratory Results
693.20	Reporting
693.30	Fines and Penalties
693.35	Contact Interview and Investigation
693.40	Notification of Health Care Contacts
693.45	Physical Examination and Medical Treatment for Syphilis, Gonorrhea, Chlamydia
693.50	Isolation for Syphilis, Gonorrhea, Chlamydia
693.60	Counseling and Education for AIDS and HIV
693.70	Isolation for AIDS and HIV
693.80	Quarantine
693.90	Confidentiality
693.100	Examination and Treatment of Prisoners
693.110	Certificate of Freedom from STDs
693.120	Treatment of Minors
693.130	Control Measures
693.140	

AUTHORITY: Implementing and authorized by the Illinois Sexually Transmissible Disease Control Act [410 ILCS 325] and Sections 2 and 6 of the Department of Public Health Act [20 ILCS 2305/2 and 6].

SOURCE: Adopted at 12 Ill. Reg. 10097, effective May 27, 1988; amended at 15 Ill. Reg. 11686, effective August 15, 1991; emergency amendment at 15 Ill. Reg. 16462, effective October 28, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 5921, effective March 30, 1992; emergency amendment at 17 Ill. Reg. 1213, effective January 7, 1993, for a maximum of 150 days; emergency expired June 7, 1993; amended at 17 Ill. Reg. 15909, effective September 20, 1993; amended at 19 Ill. Reg. 1126, effective January 20, 1995; amended at 22 Ill. Reg. _____, effective _____.

Section 693.10 Definitions

The following definitions shall apply to the terms used in this Part, unless specifically stated otherwise:

"Act" means Illinois Sexually Transmissible Disease Control Act [410 ILCS 325] ~~{iii-Rev-Stat-1989, ch-iii-i/27-par-740i-et-seq-}~~.

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"Blood Bank" means any facility or location at which blood or plasma are procured, furnished, donated, processed, stored or distributed.

"Carrier" means a person infected with an STD who is capable of transmitting the infection to others.

"Contact" means

an individual who has been in direct sexual contact with a carrier of syphilis, gonorrhea or chlamydia;

an individual who has been in direct sexual or needle contact with a person with AIDS or HIV infection;

an individual who has received insemination, a blood transfusion or an organ or tissue transplantation donated by a person with AIDS or HIV infection;

An individual who has undergone invasive procedures performed by an HIV infected health care provider and the Department has determined that there is or may have been potential risk of HIV transmission from the health care provider to that individual;

A health care provider who has performed invasive procedures for a person infected with HIV and the Department has determined that there is or may have been potential risk of HIV transmission from the infected person to the health care provider.

"Department" means the Illinois Department of Public Health (Section 3 of the Act).

"Designated Agency" means a health care organization designated by the Department under a service agreement with the Department to function in the capacity of a Local Health Authority for the purposes of this Part, in a jurisdiction not covered by a Local Health Authority.

"Epidemiologic Data" means information obtained through the contact interview and counseling process, regarding possible exposure to an STD.

"Exposure-Prone Invasive Procedure" means an invasive procedure involving digital palpation of a needle tip in a body cavity, or the simultaneous presence of a health care provider's fingers and a needle or other sharp instrument or object in a poorly visualized or highly confined anatomical site.

"Health Care Provider" means any physician, dentist, podiatrist, nurse or other person providing health care services of any kind.

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"HIV" means the human immunodeficiency virus.

"HIV-Infection" means infected with HIV, as evidenced by a confirmed laboratory test for antibodies to HIV as specified in Section 697.100 viral culture or positive antigen test or a clinical diagnosis of AIDS.

"Invasive Procedure" means surgical entry into tissues, cavities, or organs or repair of major traumatic injuries associated with any of the following:

an operating or delivery room, emergency department, or outpatient setting, including both physicians' and dentists' offices;

cardiac catheterizations and angiographic procedures;

vaginal or cesarean delivery or other invasive obstetrical procedure during which bleeding may occur; or

manipulation, excision of any oral or perioral tissue, including tooth structure, during which bleeding or the potential for bleeding exists.

"Isolation" means separation of an individual presenting a threat to the public health from others until such time as a risk to the public health no longer exists.

"Laboratory" means any facility or location at which tests are performed to determine the presence of infection with an STD, other than a blood bank.

"Local Health Authority" means the full-time official health department or board of health having jurisdiction over a particular area (Section 3 of the Act.)

"Quarantine" means the closure to public access of a location that presents a risk to the public health until such time that a risk to the public health no longer exists.

"Sexually Transmissible Disease (STD)" means Syphilis, Gonorrhea, Chlamydia, Acquired Immunodeficiency Syndrome (AIDS) or HIV infection, as defined in Section 693.20.

"Self-Refer" means to notify one's previous sex and needle sharing contacts, where applicable, of their possible exposure to an STD or HIV, and to refer such contacts to appropriate health professionals for counseling and possible testing.

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"Susceptible" means capable of becoming infected with the etiologic agent of an STD.

"Suspected Case" means a person who is reasonably believed to be infected with an STD, based on medical or epidemiologic data.

"Venereal Disease" means a formerly used term now synonymous with STD.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 693.15 Incorporated Materials

The following materials are incorporated or referenced in this Part:

- a) Illinois Statutes
 - 1) Illinois Sexually Transmissible Disease Control Act (411-Rev-Stat--1991-CH--111-1-7-Par--7401-et-seq-7) [410 ILCS 325].
 - 2) Sections 2 and 6 of the Department of Public Health Act (411-Rev-Stat--1991-CH--111-1-7-Par--22-and-22-04) [20 ILCS 2305/2 and 6].
 - 3) The Consent by Minors to Medical Procedures Act (411-Rev-Stat--1991-CH--111-1-7-Par--4501-et-seq-7-in-particular-par--4504) [410 ILCS 210 and 210/4].
- b) Illinois Rules
 - 1) AIDS Confidentiality and Testing Code (77 Ill. Adm. Code 697) (see See Sections 693.30(b)(1), (d) and (h) and 693.100(b)(4) and (5) of this Part).
 - 2) Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100) (see See Section 693.35 of this Part).
 - 3) Program Standards for Local Health Departments (77 Ill. Adm. Code 615) (see See Section 693.40(c)(7) of this Part).
- c) Other Codes, Guidelines and Standards
 - 1) "Revision of the CDC Surveillance Case Definition for Acquired Immunodeficiency Syndrome", Centers for Disease Control (CDC). Morbidity and Mortality Weekly Report (MMWR) Supp., December 18, 1992; 41(RR-17), Public Health Service, U.S. Department of Health and Human Services, Atlanta, Georgia 30333.
 - 2) The "HIV/AIDS Confidential Case Report", as modified by the Department, a form prepared by the Centers for Disease Control, Public Health Service, U.S. Department of Health and Human Services, Atlanta, Georgia 30333, Office of Management and Budget (OMB) No. 0920-0009 (1993).
 - 3) "Recommendations for Prevention of HIV Transmission in Health-Care Settings" (Centers for Disease Control, MMWR 1987, Vol. 36, Supp. no. 25, pages 3S-18S).
 - 4) Joint Advisory Notice, Department of Labor/Department of Health and Human Services, HBV/HIV, Federal Register, Vol. 52, No. 210, pp. 41818-41823, October 30, 1987. (See Section 693.140)

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- 5) "Recommendations for Preventing Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Patients During Exposure-Prone Invasive Procedures" (Centers for Disease Control, Morbidity and Mortality Weekly Report (MMWR), Vol. 40, No. RR-8, July 12, 1991).

d) All citations to federal regulations in this Part concern the specified regulations in the 1994 Code of Federal Regulations, unless another date is specified.

e) All incorporations by reference of federal regulations or standards and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any additions or deletions subsequent to the date specified.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 693.30 Reporting

- a) Every physician licensed under the provisions of the Illinois Medical Practice Act shall report each case in which the physician has clinically diagnosed or treated a case of AIDS, HIV infection, syphilis, gonorrhea or chlamydia, or received a reportable STD laboratory result as set forth in Section 693.20(b). A hospital may, at the request of the physician of a person who has been admitted to the hospital, submit the physician's report to the appropriate health authority through the hospital's established disease-reporting mechanism. In all cases, the physician is responsible for ensuring that reporting is accomplished.

1) The STD case report shall be mailed within five days after such diagnosis or treatment. The STD laboratory report shall be mailed within five (5) days after receipt of the laboratory results.

2) If the reporting source is located in a county or city governed by a full-time Local Health Authority, the STD report shall be made to that health authority. For syphilis, gonorrhea and chlamydia patients in jurisdictions not covered by a Local Health Authority but by a Designated Agency, such reports shall be made to that Designated Agency. In all other cases, the STD report shall be made directly to the Illinois Department of Public Health.

3) For cases of AIDS or HIV infection, the STD report shall be made on a form furnished by the Department. For each report of AIDS or HIV infection, a physician shall complete the "HIV/AIDS Confidential Case Report", as modified by the Department (or Pediatric HIV/AIDS Confidential Case Report, as modified by the Department for children under 13 years), which are forms developed by the Centers for Disease Control and Prevention (CDC), Public Health Service, U.S. Department of Health and Human

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Services, Atlanta, Georgia 30333, OMB No. 0920-0009. The STD report shall state the name, address and telephone number of the physician, the date of the report, as well as the following information, as available for AIDS or HIV: ~~Per-AIDS:~~

~~A1~~ The individual's name, address, telephone number, age, date of birth, age at diagnosis, current status (date of death), race/ethnicity, sex, country of birth, residence at diagnosis, facility where diagnosis of AIDS was established;

~~B1~~ Patient risk history;

~~C1~~ Laboratory results of ~~on~~ HIV antibody tests, HIV detection tests, or immunologic laboratory tests;

~~D1~~ Information concerning the presence and method of diagnosis of AIDS indicator diseases, including the RVRT case number, the nine-digit code for individuals with tuberculosis;

~~E1~~ Each AIDS related diagnosed successive, opportunistic disease (e.g., Pneumocystis carinii pneumonia, Kaposi's sarcoma or esophageal candidiasis), regardless of whether the case is known or thought to have been previously reported in another state or health jurisdiction;

~~F1~~ For reports submitted by health care facilities, the name and telephone number of the individual completing the form, if different from the physician;

~~G1~~ Information concerning treatment services and referrals and, for women, information on both the current pregnancy status and births after 1977, and for perinatal cases, information about birth history;

~~H1~~ Whether the individual has had any invasive procedures performed on him or her and, if so, the types of invasive procedures and the name(s), address(es) and telephone number(s) of the health care provider(s) who performed those invasive procedures; and

~~I1~~ Whether the individual is a health care provider, and, if so, the type of health care provider and whether the individual has performed invasive procedures.

~~B2~~ For-HIV-infection--in--cases--not--clinically--diagnosed--or treated-as-AIDS-by-the-reporting-physician:

~~i1~~ The-----individual's-----city-----of-----residence,---age, race/ethnicity,---sex,

~~i1~~ The-laboratory-findings,

~~i1~~ Risk-factors-for-HIV-infection,

~~i1~~ Whether-the-individual-is--known--to--have--previously tested-positive-for-antibodies-to-HIV,

~~v1~~ Reason-for-testing--and

~~v1~~ Whether--counseling--and/or--sex--partner-referral-has taken-place-or-whether-assistance-is-needed--from--the local-Health-Authority-or-the-Department;

4) Syphilis, gonorrhea and chlamydia case and laboratory reports in cities having a population of 500,000 or over shall be made on a

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form furnished by the Local Health Authority. In all other cases, the report shall be made on a form furnished by the Department. The report shall state the name, address and telephone number of the physician, the date of the report, as well as the following information, as available:

A) The individual's name, address, telephone number, age, birthdate, race/ethnicity, sex, marital status, pregnancy status,

B) The diagnosis, diagnostic classification, and any laboratory findings,

C) The amount and type of treatment, including preventive treatment, which the individual is receiving, has received or will receive, and whether treatment has been completed, and

D) The type of treatment facility.

b) Every laboratory and blood bank, through its Director, shall report each case in which the laboratory or blood bank performed a test for an STD which concluded with a reportable laboratory result.

1) The STD laboratory report shall be mailed within five (5) days after such test result.

2) If the reporting source is located in a county or city governed by a full-time Local Health Authority, the STD laboratory report shall be made to that health authority. For syphilis, gonorrhea and chlamydia test subjects in jurisdictions not covered by a Local Health Authority but by a Designated Agency, such reports shall be made to that Designated Agency. In all other cases, the STD laboratory report shall be made directly to the Illinois Department of Public Health.

3) For HIV laboratory results, the report shall be made on a form furnished by the Department. The report shall state the name and address of the laboratory or blood bank, the date of the report, as well as the following information, as available:

A) The name, address and telephone number of the physician or other person who submitted the specimen for testing (not applicable to blood banks),

B) The individual's city of residence, age, race/ethnicity, and sex, and

C) The date the tests were performed, the laboratory results, and the method employed.

4) Syphilis, gonorrhea and chlamydia laboratory reports in cities having a population of 500,000 or over shall be made on a form furnished by the Local Health Authority. In all other cases, the report shall be made on a form furnished by the Department. The report shall state the name and address of the laboratory or blood bank, the date of the report, as well as the following information, as available:

A) The individual's name, address, telephone number, age, race/ethnicity, sex, marital status, or patient code number

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as provided by the physician or other person who submitted the specimen for testing by a laboratory,

B) The name, address and telephone number of the physician or other person who submitted the specimen for testing (not applicable to blood banks), and

C) The date the test was performed, the laboratory results, and the method employed.

5) In addition to the above reporting requirements:

A) If the subject of the test is under 12 ~~eleven~~ ~~four~~ years of age, any reactive or positive test results shall be reported to the Department by telephone immediately or as soon as Department business hours permit at 888-375-9613 for HIV/AIDS test results and 217-782-2747 for all other STD test results. ~~7-at-800/252-8989~~

B) If any culture that is positive for gonorrhea is determined to be resistant to antibiotics, the test results shall be reported by telephone immediately, or as soon as business hours permit, to the Local Health Authority, Designated Agency or the Department, as appropriate,

C) Every laboratory and blood bank shall report the total number of tests performed for STDs each week. Such report shall be made to the local health authority, designated agency or the Department, as appropriate.

c) All persons required to report pursuant to this Part shall maintain the strict confidentiality of all information and records relating to known or suspected cases of STDs in accordance with Section 693.100 and 77 Ill. Adm. Code 697.140.

d) For each report of AIDS which it receives, pursuant to the provisions of this Section, the Local Health Authority shall forward a copy of the report to the Department's AIDS Registry System, within seven (7) days after receiving the report (See Section 697.210 of the AIDS Confidentiality and Testing Code (77 Ill. Adm. Code 697)). The Local Health Authority shall assure the completeness of the report form. The Local Health Authority shall record the reporting source on the case report form, as available.

e) A Local Health Authority shall forward to the Department a copy of each HIV report which it receives pursuant to the provisions of this Section, within seven (7) days after receiving such report. Prior to forwarding the report to the Department, a Local Health Authority shall replace the person's name with a unique identifier derived by a methodology specified by the Department.

f) A Local Health Authority or Designated Agency shall submit to the Department, on forms supplied by the Department, summary information on the reportable laboratory results for syphilis, gonorrhea and chlamydia which it receives pursuant to the provisions of this Section, within seven (7) days after receiving such results.

g) A Local Health Authority or Designated Agency which receives a syphilis laboratory report with a patient code number shall contact

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the test subject's physician for information identifying that individual, within twenty-four (24) hours after receiving such report. The Department shall assume this responsibility within jurisdictions not covered by a Local Health Authority or Designated Agency.

h) A Local Health Authority which receives an HIV laboratory report from a physician, laboratory or blood bank for an individual age three through twenty-one shall contact the physician listed in the report to obtain the individual's name and address, in order to comply with Section 697.400 of the AIDS Confidentiality and Testing Code (77 Ill. Adm. Code 697). The Department shall assume this responsibility within jurisdictions not covered by a Local Health Authority. The physician shall provide this information to the Local Health Authority or the Department unless the test subject is not enrolled in a public or private primary or secondary school. The physician shall contact the Local Health Authority or the Department if the physician learns that the test subject has enrolled in school at any subsequent date.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 693.40 Contact Interview and Investigation

a) A Local Health Authority, Designated Agency or the Department, where applicable, shall initiate the contact interview and investigation process under any of the following circumstances:

- 1) Upon receipt of an STD report from a physician,
- 2) When the Local Health Authority, Designated Agency or the Department knows or has reason to know, based on medical or epidemiologic information, that a person within its jurisdiction may be infected with or have been exposed to an STD or HIV, or
- 3) For reports of health care providers with AIDS received by the Department prior to October 4, 1991, the Department shall interview and investigate such cases in priority order established by the Department, and provide appropriate contact notification, in accordance with the provisions of Section 693.40(b)(3)(B)(i) through (ix) of this Part. The Department shall interview the health care provider or the provider's estate. Coworkers, family members or others may be interviewed, if necessary, to determine the risk of transmission or to identify contacts.

b) For cases of AIDS or HIV infection, the contact interview and investigation process shall include the following:

- 1) Contact interview and investigation services shall be provided only by counselors who have completed a course of training which included instruction in the following:

A) The etiology and transmission of HIV, including associated risk behavior and activities, and patient profiles of persons at significant risk of HIV infection;

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- B) The natural history and progression of HIV infection;
- C) Methods for preventing transmission of HIV infection;
- D) Principles and techniques of counseling, including demonstration of interviewing and counseling skills needed for epidemiologic management of HIV infected persons, and critiqued role playing, psychological assessment and crisis intervention;
- E) Principles and techniques of contact investigation and referral; and
- F) Principles of communicable diseases.
- 2) For the interview and investigation process concerning sex and needle sharing contacts:
- A) All cases of AIDS or HIV infection identified to health authorities shall be offered the assistance of health professionals in locating and referring sex and needle sharing contacts for counseling and testing, with the consent of the infected person. All persons refusing such assistance shall be strongly encouraged to notify their previous sex and needle sharing contacts of their possible exposure to HIV, and to refer such contacts for counseling and testing.
- B) Cases of AIDS or HIV infection shall be asked to identify their sex and needle-sharing contacts for the preceding twelve month period. The counselor shall discuss the specific nature of each contact with the client to determine the likelihood of HIV transmission based on the type of sexual or needle-sharing practice involved and the counselor's knowledge of risk factors.
- C) Those contacts determined to be at significant risk of infection, in the professional judgment of the counselor, based on the type of sexual or needle-sharing practice involved and the counselor's knowledge of risk factors, shall be investigated. Investigation shall be conducted on contacts for whom sufficient information to identify the person is available, such as first and last name, street address or telephone number.
- D) The counselor may prioritize the order in which contacts are to be investigated. The counselor shall provide first priority to those contacts who (based again on the counselor's professional judgement), except for contact notification, may not have reason to suspect they may be infected because the counselor has no information that the contacts:
- are aware of having engaged in behavior likely to result in exposure and/or;
 - are knowledgeable about the types of behavior carrying such risks.
- E) Persons choosing to self-refer their contacts shall receive

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- intensive individualized instruction and counseling in methods to provide this notification and referral.
- F) Contacts to persons with HIV infection, identified through the contact interview and investigative process, shall be counseled, confidentially and in person, regarding the possibility of infection, methods to prevent the spread of the infection, and services available from public health agencies. Such persons shall also be offered testing to determine infection status.
- G) If such person is legally unable to agree to counseling due to age or legal incompetence, consent and participation in counseling shall be requested of the individual's parent or legal guardian. If such person is legally able to agree to, but appears to be incapable of understanding and competently acting on such counseling, in the professional judgment of the counselor, participation in counseling shall be requested of a parent or other person chosen by the client.
- H) All records regarding contacts to cases of AIDS or HIV infection, and all information collected in investigations and interviews pursuant to this Section of contacts-to-HIV infection--shall--be--maintained--until--the--local--Health Authority--Designated--Agency--or--the--Department--is--able--to document--that--counseling--has--been--provided--to--the--contact--or document--that--all--attempts--to--locate--the--contact--have--been--unsuccessful--In--no--case--shall--such--records--be--maintained--for--a--period--to--exceed--six--months--Such--records--shall--be confidential and shall at all times be maintained in the same manner as those maintained for reported cases of AIDS or HIV infection. After--six--months--such--records--shall--be destroyed--completely--by--shredding--or--another--form--of obiteration--(See--Section--693-100(c)-and--77-iii--Adm--Code--697-140-)
- 3) For the interview and investigation process concerning health care contacts:
- A) Patients
- All cases in which the individual has had invasive procedures performed on him or her shall be provided an explanation of the potential risks of HIV transmission to health care providers during the performance of invasive procedures, and the legal requirements for notification of the health care providers who have performed invasive procedures on that individual;
 - The individual shall be asked to identify the specific invasive procedures which had been performed on him or her along with the name of the facility or location at which the procedure was performed, and the name, address and telephone number of the health care

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provider who performed the procedure;

iii) The individual shall be offered the opportunity to self-notify those health care providers within 45 days, in accordance with the notification procedures described in Section 693.45 of this Part. If the individual declines the opportunity to self-notify his or her health care providers, or fails to do so in accordance with the requirements of this Part, the case shall be referred to the Department for notification of contacts. The Department's notification of contacts shall be conducted in a timely manner;

B) Health Care Providers

i) All cases in which the individual is a health care provider or has worked as a health care provider shall be interviewed to determine whether the type of health care practiced by the individual involves the performance of invasive procedures, and whether the individual has or is likely to have performed invasive procedures;

ii) If the individual's type of health care practice involves the performance of invasive procedures but the individual has not or is not likely to have performed invasive procedures, he or she shall be provided with written information concerning the use of universal precautions and the recommendations of the Centers for Disease Control concerning the prevention of HIV transmission in the health care setting. The individual shall also be advised to refrain from performing exposure-prone invasive procedures, except in accordance with the recommendations of an expert review panel which has been convened pursuant to the Centers for Disease Control's "Recommendations for Preventing Transmission of HIV and Hepatitis B Virus to Patients During Exposure-Prone Invasive Procedures" (see Section 693.15(c)(5) of this Part);

iii) If the individual has or is likely to have performed invasive procedures the Local Health Authority shall refer the case to the Department for risk assessment and follow-up;

iv) The Department shall interview the health care provider or the provider's estate to complete the investigation and assess the potential risk of HIV transmission from the provider to his or her patients, based on the provider's practice and the types and frequencies of invasive procedures performed. Others may be interviewed as necessary to complete the

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investigation and assess the potential risk of HIV transmission from the provider to his or her patients; The Department shall provide the health care provider with an explanation of the potential risks of HIV transmission to patients during the performance of invasive procedures, and the legal requirements for notification of patients whom the Department determines may have been at risk of HIV transmission from the health care provider;

vi) If the invasive procedures performed by the health care provider were not exposure-prone invasive procedures, and no other potential risk of transmission was identified by the Department, the entity performing the investigation process shall provide the health care provider with information concerning the use of universal precautions and the recommendations of the Centers for Disease Control concerning the prevention of HIV transmission in the health care setting. The health care provider shall also be advised to refrain from any future performance of exposure-prone invasive procedures, except in accordance with the recommendations of an expert review panel convened pursuant to the Centers for Disease Control's "Recommendations for Preventing Transmission of HIV and Hepatitis B Virus to Patients During Exposure-Prone Invasive Procedures" (see Section 693.15(c)(5) of this Part);

vii) If any of the invasive procedures performed by the health care provider were exposure-prone invasive procedures, or the Department identifies any other potential risk of transmission to patients, the Department shall advise the health care provider that such patients must be notified of their potential risk of exposure to HIV. The health care provider shall be given the opportunity to submit any information and comments to the Department concerning such notification, and shall be offered the opportunity to self-notify his or her patients within 45 days, in accordance with the notification procedures described in Section 693.45 of this Part;

viii) If the health care provider declines the opportunity to self-notify his or her patients, or fails to do so in accordance with the requirements of this Part, he or she shall provide the Department with complete and immediate access to any records which identify or may lead to the identification of his or her patients and the actual health care which was rendered. The Department shall review but shall not copy or seize

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the provider's records. The Department shall identify and notify in a timely manner all patients who received exposure-prone invasive procedures or have otherwise been determined by the Department to have been at risk for HIV transmission;

- ix) The health care provider shall also be advised to discontinue performance of exposure-prone invasive procedures except in accordance with the recommendations of an expert review panel convened pursuant to the Centers for Disease Control's "Recommendations for Preventing Transmission of HIV and Hepatitis B Virus to Patients During Exposure-Prone Invasive Procedures" (see Section 693.15(c)(5) of this Part).

- c) For cases of syphilis, gonorrhea or chlamydia, the contact interview and investigation process shall include the following:

- 1) Contact interview and investigation services shall be provided only by counselors who have completed a course of training which included instruction in the following:

- A) The etiology and transmission of STDs,
- B) The natural history and progression of STD infection,
- C) High or increased risk behavior and activities, including patient profiles of persons at significant risk for acquiring STDs,
- D) Methods for preventing and treating STD infection,
- E) Principles and techniques of counseling, including demonstration of interviewing and counseling skills needed for epidemiologic management of STD patients, and critiqued role playing, and
- F) Principles and techniques of contact investigation and referral.

- 2) All persons diagnosed with early syphilis or antibiotic-resistant gonorrhea or any person treated for gonorrhea at a clinic of the Local Health Department shall be interviewed by the Local Health Authority, Designated Agency or the Department, where applicable. "Early syphilis" means primary, secondary or early latent syphilis of less than one year's duration.

- 3) All persons diagnosed with chlamydia and persons diagnosed with gonorrhea in the private medical sector shall be interviewed as resources permit and within the discretion of the Local Health Authority, Designated Agency or Department, where applicable.

- 4) All cases interviewed shall be asked to provide the names and any available identifying information regarding on their sex contacts. Persons refusing to name their sex contacts shall be strongly encouraged to self-refer such contacts for testing and treatment, if necessary.

- 5) Those contacts determined by the counselor to be at significant risk of infection, based on high or increased risk behavior and

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- 6) activities, shall be investigated. Interviewing and counseling of STD cases and contacts shall be conducted in person, in a private manner, and shall be documented on epidemiologic records furnished by the Department.

- 7) Counselors shall follow the guidelines and standards described in Section 615.360(s) through (cc) of the Local Health Departments Program Standards Code (77 Ill. Adm. Code 615).

- 8) All records regarding cases of STDs, contacts to cases of STDs and all information collected in investigations and interviews pursuant to this Section shall be confidential, and shall at all times be maintained in the same manner as those maintained for reported cases of STDs.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 693.100 Confidentiality

- a) All information and records held by the Department and its authorized representatives relating to known or suspected cases of sexually transmissible diseases shall be strictly confidential and exempt from inspection and copying under the Freedom of Information Act. The Department and its authorized representatives shall not disclose information and records held by them relating to known or suspected cases of sexually transmissible diseases publicly or in any action of any kind in any court or before any tribunal Board or agency. (Section 8(a) of the Act.) (Ill. Rev. Stat., 1989, ch. 116, par. 1-207, as amended by Section 11 of the Act.) (Section 8(a) of the Act.)

- b) Such information shall not be released or made public (by the Department or its authorized representatives, by a court or parties to a lawsuit upon revelation by subpoena or) by a court conducting proceedings authorized by subsection (c) of Section 6 of the Act, except that release of such information may be made under the following circumstances (Section 8(a) of the Act.) Such information shall not be released or made public by the Department or its authorized representatives, by a court or parties to a lawsuit upon revelation by subpoena or by a court conducting proceedings authorized by subsection (c) of Section 6 of the Act, except that release of such information may be made under the following circumstances:

- 1) When made with the consent of all persons to which the information applies (Section 8(a)(1) of the Act),
- 2) When made for statistical purposes and medical or epidemiologic information is summarized so that no person can be identified and no names are revealed (Section 8(a)(2) of the Act),
- 3) as the Department of Children and Family Services, or courts of appropriate jurisdiction to enforce the provisions of the Act and this Part (Section 8(a)(3) of the Act),

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- 4) When made to persons determined by the Department to be or have been at potential risk of HIV transmission pursuant to Section 5.5 of the Act (Section 8(a)(4) of the Act),
- 5) When authorized by the HIV/AIDS Registry System regulations (See 77 Ill. Adm. Code 697.210),
- 6) When authorized by the AIDS Confidentiality Act (See 77 Ill. Adm. Code 697.140),
- 7) When made to a school principal pursuant to Section 697.400 of the HIV/AIDS Confidentiality and Testing Code (See 77 Ill. Adm. Code 697.400),
- 8) ~~When disclosure is made pursuant to a subpoena, such information shall be sealed by the court from further examination, except as deemed necessary by the court to reach a decision, unless otherwise agreed to by all parties (Section 8(b) of the Act).~~
- c) A court hearing a request for the issuance of a warrant as authorized in subsection (c) of Section 6 of the Act shall conduct such proceedings in camera. A record shall be made of authorized proceedings but shall be sealed, impounded and preserved in the records of the court, to be made available to the reviewing court in the event of an appeal. (Section 8(c) of the Act.)
- d) No employee of the Department or its authorized representatives shall be examined in a civil, criminal, special or other proceeding concerning the existence or contents of pertinent records of a person examined or treated for a sexually transmissible disease by the Department or its authorized representative pursuant to the provisions of the Act, or concerning the existence or contents of such reports received from a private physician or private health care facility, pursuant to the provisions of the Act, without the consent of the person examined and treated for such a disease, except in proceedings under Sections 6 and 7 of the Act. (Section 8(d) of the Act.)
- e) All information and records held by the Department and Local Health Authorities pertaining to health care contact risk assessment and notification activities shall be strictly confidential and exempt from copying and inspection under the Freedom of Information Act. Such information and records shall not be released or made public by the Department or Local Health Authorities, and shall not be admissible as evidence, nor discoverable in any action of any kind in any court or before any tribunal, board, agency or person and shall be treated in the same manner as the information and those records subject to the provisions of Part 21 of the Code of Civil Procedure except under the following circumstances (Section 5.5 of the Act):
- 1) When disclosure is made with the written consent of all persons to whom this information pertains;
 - 2) When authorized under Section 8 to be released under court order or subpoena pursuant to Section 12-16.2 of the Criminal Code of 1961; or
 - 3) When disclosure is made by the Department for the purpose of seeking a warrant authorized by Sections 6 and 7 of the Act.

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- Such disclosure shall conform to the requirements of subsection (a) of Section 8 of the Act.
- f) Any person who knowingly or maliciously disseminates any information or report concerning the existence of any disease under Section 5.5 of the Act is guilty of a Class A Misdemeanor. (Section 5.5(d) of the Act)

(Source: Amended at 22 Ill. Reg. _____, effective _____)

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Affordable Housing Program
- 2) Code Citation: 47 Ill. Adm. Code 360
- 3) Section Numbers: 360.109
Adopted Action: Repeal
- 4) Statutory Authority: Implementing Sections 4 and 7(e) of the Illinois Affordable Housing Act [310 ILCS 65/4 and 7(e) and authorized by Sections 7.19 and 7.25 of the Illinois Housing Development Act [20 ILCS 3805/7.19 and 7.25].
- 5) Effective Date of Rulemaking: February 4, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: February 4, 1998
- 9) Notice of Proposal Published in Illinois Register: Published on October 17, 1997, 21 Ill. Reg. 13733.
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: Pursuant to First Notice Changes from JCAR, the Authority made a series of technical and grammatical corrections throughout the rulemaking.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This amendment corrects the waiver section of this Part 360 to comply with the Illinois Administrative Procedure Act.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Richard B. Muller
401 N. Michigan Ave., Suite 900
Chicago, IL 60611
312/836-5327

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

The full text of the Adopted Amendment begins on the next page:

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT
CHAPTER II: ILLINOIS HOUSING DEVELOPMENT AUTHORITY

PART 360

AFFORDABLE HOUSING PROGRAM

SUBPART A: GENERAL RULES

Section	
360.101	Authority
360.102	Purpose and Objectives
360.103	Definitions
360.104	Borrowing by the Authority
360.105	Compliance with Federal Law
360.106	Standards - Criteria
360.107	Forms and Procedures for the Program
360.108	Fees and Charges of the Authority
360.109	Waiver (Repealed)
360.110	Amendment
360.111	Severability
360.112	Gender and Number
360.113	Titles and Captions
360.114	Calendar Days

SUBPART B: USES

Section	
360.201	Recipients
360.202	Beneficiaries
360.203	Permitted Uses of Trust Fund Monies
360.204	Market Rate Developments

SUBPART C: APPLICATION

Section	
360.301	Application
360.302	Form
360.303	Review
360.304	Initial Contact
360.305	Site and Market Study/Rental Analysis
360.306	Feasibility Determination (Repealed)
360.307	Staff Recommendation
360.308	Advisory Commission
360.309	Authority Determination
360.310	Conditional Commitment

SUBPART D: NOTICE

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

Section	
360.401	Notification by Authority
360.402	Comments and Responses

SUBPART E: RECIPIENT

Section	
360.501	Eligible Applicants (Repealed)
360.502	Land Trusts
360.503	Books and Records
360.504	Audits
360.505	Annual Financial Report
360.506	Furnishing Information
360.507	Standards for Approval of Conveyance

SUBPART F: LOANS AND GRANTS

Section	
360.601	Maximum Loan Amount and Priority
360.602	Maximum Grant Amount
360.603	Increase Above Maximum Loan or Grant Amount
360.604	Amortization
360.605	Recapture of Assistance
360.606	Prepayment of Loan

SUBPART G: CONSTRUCTION

Section	
360.701	Design and Construction Standards

SUBPART H: MARKETING AND MANAGEMENT

Section	
360.801	Marketing and Management
360.802	Marketing and Management Plans
360.803	Maintenance
360.804	Cost of Service

SUBPART I: TENANTS AND OCCUPANCY

Section	
360.901	Displacement
360.902	Relocation Plan
360.903	Tenant Selection Plan and Participant Selection Plan
360.904	Income and Housing Expense Limits
360.905	Non-Discrimination

SUBPART J: ENERGY EFFICIENCY

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) Section Numbers: Peremptory Action:
310. Appendix A, Table A Amended
310. Appendix A, Table B Amended
- 4) Reference to the appropriate State or federal court order, federal rule or statute which requires this peremptory rulemaking: Section 1-5(d) of the Illinois Administrative Procedure Act [5 ILCS 100/1-5(d)]
- 5) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a.]
- 6) Effective Date: February 13, 1998
- 7) A Complete Description of the Subjects and Issues Involved:

The Service Employees International Union, Local #25, negotiated a new three-year agreement which reflects that employees shall receive a one-time lump sum payment of \$565 for Fiscal Year 1998.

Wage rates for employees hired after July 1, 1997 shall be \$2 per hour less than current employees for the first year of employment.

Effective July 1, 1998, the pay for the Building Service Worker and Elevator Operator classifications shall be increased by 3% per month. Upon completion of the first year, new hire employees shall receive a wage rate of \$1 per hour less than current employees.

Effective July 1, 1999, the pay for the Building Service Worker and Elevator Operator classifications shall be increased by 3% per month. Upon completion of the second year, employees hired after July 1, 1997 will receive a wage rate equal to current employees (employees hired prior to July 1, 1997).

- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date Filed in Agency's Principle Office: February 13, 1998
- 10) Is this Rule in compliance with Section 5-50 of the Illinois Administrative Procedure Act? Yes
- 11) Are there any proposed amendments pending to this Part? Yes

Section Numbers Proposed Action Illinois Register Citation

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

SUBPART K: CERTIFICATIONS

- Section 360.1101 Standards
- Section 360.1101 Environmental Assessment
- 360.1102 Other Laws
- AUTHORITY: Implementing Sections 4 and 7(e) of the Illinois Affordable Housing Act [310 ILCS 65/4 and 7(e)] and authorized by Sections 7.19 and 7.25 of the Illinois Housing Development Act [20 ILCS 3805/7.19 and 7.25].
- SOURCE: Emergency rules adopted at 14 Ill. Reg. 2094, effective January 22, 1990, for a maximum of 150 days; adopted at 14 Ill. Reg. 9117, effective May 24, 1990; amended at 15 Ill. Reg. 17088, effective November 19, 1991; emergency amendment at 18 Ill. Reg. 2124, effective January 12, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 8663, effective May 25, 1994; amended at 22 Ill. Reg. 4321, effective FEB 04 1998.

SUBPART A: GENERAL RULES

Section 360.109 Waiver (Repealed)

~~By resolution, the Members may authorize the Director to waive or vary, after review by the Advisory Commission, particular provisions of this Part to conform with the requirements of applicable State or Federal law or to conform with the determination of the Authority that the application of such provisions may result in undue hardship or an unreasonable result.~~

(Source: Repealed at 22 Ill. Reg. 4321, effective FEB 04 1998)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

310.230 Amended 21 Ill. Reg. 14648 (November 14, 1997)
310.270 Amended 21 Ill. Reg. 14648 (November 14, 1997)
310.280 Amended 21 Ill. Reg. 14648 (November 14, 1997)

12) Statement of Statewide Policy Objectives: These amendments to the Pay Plan pertain only to State employees subject to the Personnel Code and do not set out any guidelines that are to be followed by local or other jurisdictional bodies within the State.

13) The name, address and telephone number of the person to whom information and questions concerning this peremptory rule shall be directed to: Comments should be written and addressed to:

Mr. Michael Murphy
Department of Central Management Services
Division of Technical Services
504 William G. Stratton Building
Springfield, IL 62706
(217) 782-5601

The full text of the Peremptory Amendments begins on the next page:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
POSITION CLASSIFICATIONS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

Section	Policy and Responsibilities
310.20	Jurisdiction
310.30	Pay Schedules
310.40	Definitions
310.50	Conversion of Base Salary to Pay Period Units
310.60	Conversion of Base Salary to Daily or Hourly Equivalents
310.70	Increases in Pay
310.80	Decreases in Pay
310.90	Other Pay Provisions
310.100	Implementation of Pay Plan Changes for Fiscal Year 1998
310.110	Interpretation and Application of Pay Plan
310.120	Effective Date
310.130	Reinstitution of Within Grade Salary Increases
310.140	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, Effective July 1, 1984 (Repealed)
310.150	

SUBPART B: SCHEDULE OF RATES

Section	Introduction
310.205	Prevailing Rate
310.210	Negotiated Rate
310.220	Part-Time Daily or Hourly Special Services Rate
310.230	Hourly Rate
310.240	Member, Patient and Inmate Rate
310.250	Trainee Rate
310.260	Legislated and Contracted Rate
310.270	Designated Rate
310.280	Out-of-State or Foreign Service Rate
310.290	Educator Schedule for RC-063 and HR-010
310.300	Physician Specialist Rate
310.310	Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections
310.320	Excluded Classes Rate (Repealed)
310.330	

SUBPART C: MERIT COMPENSATION SYSTEM

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Section	
310.410	Jurisdiction
310.420	Objectives
310.430	Responsibilities
310.440	Merit Compensation Salary Schedule
310.450	Procedures for Determining Annual Merit Increases
310.455	Intermittent Merit Increase
310.456	Merit Zone (Repealed)
310.460	Other Pay Increases
310.470	Adjustment
310.480	Decreases in Pay
310.490	Other Pay Provisions
310.495	Broad-Band Pay Range Classes
310.500	Definitions
310.510	Conversion of Base Salary to Pay Period Units
310.520	Conversion of Base Salary to Daily or Hourly Equivalents
310.530	Implementation
310.540	Annual Merit Increase Guidechart for Fiscal Year 1998
310.550	Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

APPENDIX A

TABLE A	Negotiated Rates of Pay HR-190 (Department of Central Management Services - State of Illinois Building - SEIU)
TABLE AA	NR-916 (Department of Natural Resources, Teamsters)
TABLE B	HR-200 (Department of Labor - Chicago, Illinois - SEIU)
TABLE C	RC-069 (Firefighters, AFSCME) (Repealed)
TABLE D	HR-001 (Teamsters Local #726)
TABLE E	RC-020 (Teamsters Local #330)
TABLE F	RC-019 (Teamsters Local #25)
TABLE G	RC-045 (Automotive Mechanics, IFPE)
TABLE H	RC-006 (Corrections Employees, AFSCME)
TABLE I	RC-009 (Institutional Employees, AFSCME)
TABLE J	RC-014 (Clerical Employees, AFSCME)
TABLE K	RC-023 (Registered Nurses, INA)
TABLE L	RC-008 (Boilermakers)
TABLE M	RC-110 (Conservation Police Lodge)
TABLE N	RC-010 (Professional Legal Unit, AFSCME)
TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
TABLE Q	RC-033 (Meat Inspectors, IFPE)
TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
TABLE S	HR-012 (Fair Employment Practices Employees, SEIU)
TABLE T	HR-010 (Teachers of Deaf, IFT)
TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
TABLE V	CU-500 (Corrections, Meet and Confer Employees)
TABLE W	RC-062 (Technical Employees, AFSCME)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

TABLE X	RC-063 (Professional Employees, AFSCME)
TABLE Y	RC-063 (Educators, AFSCME)
TABLE Z	RC-063 (Physicians, AFSCME)
APPENDIX B	Schedule of Salary Grades - Monthly Rates of Pay for Fiscal Year 1997
APPENDIX C	Medical Administrator Rates for Fiscal Year 1997
APPENDIX D	Merit Compensation System Salary Schedule for Fiscal Year 1998
APPENDIX E	Teaching Salary Schedule (Repealed)
APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
APPENDIX G	Broad-Band Pay Range Classes Salary Schedule for Fiscal Year 1998

AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, 1985; emergency amendment at 9 Ill. Reg. 3681, effective March 12, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; peremptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; peremptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Reg. 648, effective December 22, 1986; peremptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; peremptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; peremptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; peremptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; peremptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; peremptory amendment 11 Ill. Reg. 17919, effective October 19, 1987; peremptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; peremptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; peremptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; peremptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; peremptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; peremptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; peremptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; peremptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; peremptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; peremptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; peremptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; peremptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; peremptory amendment at 15 Ill. Reg. 663,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; peremptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; peremptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; peremptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; peremptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; peremptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; peremptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; peremptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; peremptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; peremptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; peremptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; peremptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13799, effective September 19, 1995; peremptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Section 310.APPENDIX A Negotiated Rates of Pay

Section 310.TABLE A HR-190 (Department of Central Management Services - State of Illinois Building - SEIU)

Building Services			
Worker	07-01-97	2,035.80	
	04-01-94	1896.69	
	01-01-95	17940.10	
	04-01-95	17966.20	
	01-01-96	27009.70	
	04-01-96		
Employees hired after	07-01-97	1,687.80	
	07-01-98	2,096.70	
1st year			
Completed/New Hires	07-01-98	1,922.70	
	07-01-99	2,159.34	
2nd year			
Completed/New Hires	07-01-99	2,159.34	
Elevator Operator	07-01-97	Operator	Asst Starter
	04-01-94	2,088.00	2,122.80
	01-01-95	1948.00	1983.60
	04-01-95	17992.30	17027.10
	01-01-95	27018.40	27053.20
	04-01-96	27061.90	27096.70
Employees hired after	07-01-97	1,740.00	1,774.80
	07-01-98	2,150.64	2,187.18
1st year			
Completed/New Hires	07-01-98	1,976.64	2,013.18
	07-01-99	2,215.02	2,253.30
2nd year			
Completed/New Hires	07-01-99	2,215.02	2,253.30
			2,270.70

NOTE: Effective July 1, 1997, Full-time employees will receive a one-time lump sum payment of \$565.

(Source: Peremptory amendment at 22 Ill. Reg. 4328, effective February 13, 1998)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; peremptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; peremptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; peremptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; peremptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; peremptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; peremptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; peremptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 4, 1997; peremptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; peremptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; peremptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; peremptory amendment at 22 Ill. Reg. 4328, effective February 13, 1998.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Section 310. TABLE B HR-200 (Department of Labor - Chicago, Illinois - SEIU)

Elevator Operator	Operator	Asst Starter	Starter
7-01-97	2,088.00	2,122.80	2,140.20
04-01-94	1,948.00	1,983.60	2,001.00
01-01-95	1,992.30	2,027.10	2,044.50
04-01-95	1,948.00	1,983.60	2,001.00
01-01-96	2,061.90	2,096.70	2,114.10
04-01-96			
07-01-97	1,740.00	1,774.80	1,792.20
07-01-98	2,150.64	2,187.18	2,204.58
07-01-98	1,976.64	2,013.18	2,030.58
07-01-99	2,215.02	2,253.30	2,270.70
07-01-99	2,215.02	2,253.30	2,270.70

NOTE: Effective July 1, 1997, Full-time employees will receive a one-time lump sum payment of \$565.

(Source: Peremptory amendment at 22 Ill. Reg. 4360, effective February 13, 1998)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of February 9, 1998 through February 16, 1998 and have been scheduled for review by the Committee at its March 24, 1998 meeting in Springfield. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
3/26/98	Office of Banks and Real Estate, Savings and Loan Act of 1985 (38 Ill Adm Code 1000)	12/19/97 21 Ill Reg 16243	3/24/98
3/26/98	Office of Banks and Real Estate, Savings Bank Act (38 Ill Adm Code 1075)	12/19/97 21 Ill Reg 16255	3/24/98
3/26/98	Board of Savings Institutions, Board of Savings Institutions (38 Ill Adm Code 500)	12/26/97 21 Ill Reg 16941	3/24/98
3/26/98	Pollution Control Board, RCRA Permit Program (35 Ill Adm Code 703)	11/21/97 21 Ill Reg 14749	3/24/98

PROCLAMATIONS

98-1

BANGLADESH DAY

Whereas, Illinois is home to several thousand Bangladeshi emigrants; and
Whereas, the Bangladeshi community is part of the rich ethnic background of Illinois; and

Whereas, the Bangladesh Association of Chicagoland (BAC) was founded in 1980 to enhance Bangladeshi culture, to assist Bangladeshi emigrants, students, and visitors in becoming familiar with the American way of life, and to develop and promote friendship and relationships among its members, the community, and other organizations; and

Whereas, the 27th Independence Day of Bangladesh will be celebrated in Illinois on March 21, a day which marks the country's realization of freedom in 1971 and honors those who gave their lives for freedom's cause;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 21, 1998, as BANGLADESH DAY in Illinois.

Issued by the Governor January 5, 1998.

Filed by the Secretary of State January 10, 1998.

98-2

GERALD F. COOPER, JR.

Whereas, Gerald F. Cooper, Jr. graduated from Miami University in 1977 and DePaul University College of Law in 1980; and

Whereas, he is licensed to practice law in the States of Illinois, Florida and Ohio; and

Whereas, he is a member of the Illinois State Bar Association and serves on its Workers' Compensation Section Council and is a member of the Chicago Bar Association; and

Whereas, he serves on the Board of Directors of the Illinois Transportation Association; is Special Counsel to the Executive Director; and chairs its Workers Compensation Reform Committee; and

Whereas, he serves on the American Trucking Association's Workers' Compensation Task Force; chairs its Model Policies Sub-Committee; and is a Delegate to the American Transportation Association Executive Committee; and

Whereas, he has served as a Legal Technical advisor to the Illinois Senate and the Illinois House of Representatives; and

Whereas, he is a lifetime member of the Republican National Committee, a member of the President's Club, the Eisenhower Commission and the Republican National Committee Election Advisory Council; and

Whereas, Gerald F. Cooper, Jr. is a member of the Workers' Compensation Lawyers Association and has been elected to serve as President of the Association; and

Whereas, Justice William E. Holdridge has administered the oath of Office to Gerald F. Cooper, Jr. at the 49th Annual Workers' Compensation Lawyers Association Installation Dinner on the 17th day of January, 1998;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim January 17, 1998 as GERALD F. COOPER, JR. DAY in Illinois.

Issued by the Governor January 5, 1998.

Filed by the Secretary of State January 10, 1998.

PROCLAMATIONS

98-3

MIDDLE LEVEL STUDENT GOVERNMENT WEEK

Whereas, the Illinois Association of Junior High Student Councils consists of more than 160 middle, junior high, grade, and elementary schools, both public and private; and

Whereas, the Illinois Association of Junior High Student Councils is one of only four uniquely "middle level" student council organizations in the United States; and

Whereas, the Illinois Association of Junior High Student Councils has adopted the theme "Ignite the Flames of Leadership" for 1997-98; and

Whereas, the Illinois Association of Junior High Student Councils provides leadership training and idea exchanges for both students and advisors through district leadership workshops, State conventions, summer leadership camp, advisor workshops and CONTACT (a quarterly newsletter); and

Whereas, the Illinois Association of Junior High Student Councils actively encourages student involvement, school spirit, student recognition, school service, and community service through idea exchanges and the IAJHSC Honor Council program; and

Whereas, the Illinois Association of Junior High Student Councils brings member schools together to raise money for a Statewide charity. In 1997, more than \$34,000 was donated to the St. Joseph Institute for the Deaf to begin a satellite facility at Carle Hospital, in Champaign. The 1998 charity is the Easter Seal Camp, in Hudson, Illinois;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 19-25, 1998, as MIDDLE LEVEL STUDENT GOVERNMENT WEEK in Illinois.

Issued by the Governor January 5, 1998.

Filed by the Secretary of State January 10, 1998.

98-4

HONORABLE PATRICK J. CARROLL RECOGNIZED

Whereas, The Honorable Patrick J. Carroll passed from this earthly life since the last session of the General Assembly; and

Whereas, his long term of service in the Senate, from 1910 until the time of his death, bears eloquent testimony to the distinguished service he rendered to the people of his State and the high regard held for him by the people of his community; and

Whereas, his character, demeanor, and conscientious and able work in the Senate earned him the respect and esteem of his colleagues and all who came in contact with him; and

Whereas, the Senate of the Sixtieth General Assembly of the State of Illinois Resolved. "That we express our deep sorrow upon the passing of this honored and respected citizen and public servant and extend our sincere sympathy to the members of his family who have suffered so great a loss"; and

Whereas, the Senate further Resolved. "That this preamble and resolution be spread upon the Journal of the Senate and a suitably engrossed copy be sent to Senator Carroll's family and that as a further mark of our respect and affection, the Senate do now adjourn"; and

Whereas, the Senate, pursuant to the above resolution, at 1:20 o'clock

PROCLAMATIONS

a.m., on motion of Mr. Broderick, the Senate adjourned and the President of the Senate announced that the Senate stood adjourned until 8:00 o'clock p.m., Tuesday, May 31, 1938;

Therefore, I, Jim Edgar, Governor of the State of Illinois, recognize the Honorable Patrick J. Carroll on January 5, 1998.

Issued by the Governor January 5, 1998.

Filed by the Secretary of State January 10, 1998.

98-5

DAVID ANDREW BAUSCH MONTH

Whereas, David Andrew Bausch was born in O'Fallon, Missouri, on February 24, 1935; and

Whereas, David Andrew Bausch is happily married to Lulu Jean Bausch, he is the proud father of two daughters, Debbie and Donna, and one son, David, and he is the proud grandfather of four children; and

Whereas, David Andrew Bausch began working for the Illinois State Lottery at its inception on July 1, 1974, until August 15, 1987; and

Whereas, David Andrew Bausch established standards for excellence and game integrity which exists today; and

Whereas, David Andrew Bausch also has worked for the Florida Lottery and currently works for Scientific Games; and

Whereas, David Andrew Bausch will retire in March 1998 after 23 years of service in the lottery industry;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 1998 as DAVID ANDREW BAUSCH MONTH in Illinois, in recognition of his distinguished service to the Illinois State Lottery and wish him a very happy retirement.

Issued by the Governor January 8, 1998.

Filed by the Secretary of State January 15, 1998.

98-6

BLACK LAW ENFORCEMENT OFFICERS DAY

Whereas, black law enforcement officers play an important role in crime prevention and public safety in the State of Illinois; and

Whereas, black law enforcement officers have shown strong leadership and a commitment to making the streets safer throughout Illinois; and

Whereas, black law enforcement officers have worked to give the youth of Illinois the opportunity to grow and continue to be productive parts of society; and

Whereas, The Museum of Law & Science will provide exhibits and marketing in 1998 to promote and recognize the benefits of black law enforcement officers throughout Illinois;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim January 22, 1998, as BLACK LAW ENFORCEMENT OFFICERS DAY in Illinois.

Issued by the Governor January 9, 1998.

Filed by the Secretary of State January 15, 1998.

98-7

PROCLAMATIONS

AFRICAN AMERICAN CONTRACTORS DAY

Whereas, the purpose of the African American Contractors Association (AACA) is to assist and help develop African American contractors business through various means; and

Whereas, the AACA creates fair business opportunities for African American-owned contracting companies, particularly with the African American community, private corporations, and municipal agencies - city, county, State, federal agencies and other organizations; and

Whereas, the AACA facilitates developer/general contractor relationships that lead to contracting opportunities for AACA members. Also, AACA sponsors business opportunity conferences for developers, general contractors and corporations that serve to link AACA member with buyers of services; and

Whereas, the AACA promotes purchases of goods and services provided by African American-owned businesses; and

Whereas, the AACA provides management and technical assistance to African American-owned businesses to develop workshops which help them compete effectively in the business community; and

Whereas, the AACA maintains a strong and viable presence within the African American community to serve as a networking conduit among business and community organizations and political sectors to facilitate mutually disadvantaged businesses or relationships with minority contractors, minority suppliers, major corporations, municipal agencies - city, county, State, federal agencies and other organizations; and

Whereas, the AACA will be celebrating its Eighth Annual Membership and Awards Reception, March 11, at the Illinois Institute of Technology, Herman Hall Ballroom;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 11, 1998, as AFRICAN AMERICAN CONTRACTORS DAY in Illinois.

Issued by the Governor January 12, 1998.

Filed by the Secretary of State January 15, 1998.

98-8

CHICAGOLAND ENTREPRENEURSHIP HALL OF FAME DAY

Whereas, on February 19, 1998, for the 13th year, several area entrepreneurs will be honored at a dinner at the Chicago Hilton and Towers, recognizing the entrepreneurial spirit and creative genius of these men and women; and

Whereas, corporate sponsors of the Entrepreneurial Hall of Fame include William Blair and Company, Lord, Bissell and Brook, LaSalle National Bank, and new this year, Grant Thornton LLP, an international accounting and consulting firm serving entrepreneurial businesses; and

Whereas, the dinner is hosted by the Institute for Entrepreneurial Studies in the College of Business Administration, Dr. Gerald Hills, Director; and

Whereas, nominees may be inducted for past or ongoing achievements and must lead a privately held company they themselves have taken public. The company must be based in Cook, DuPage, Kane, Lake, McHenry or Will counties or in Indiana's Lake County; and

Whereas, as in past years, some 25 small business founders will be

PROCLAMATIONS

honored, according to Gerald Hills, director of UIC's Institute for Entrepreneurial Studies and a professor of marketing; and

Whereas, nominees are first evaluated by top-ranked graduate students and faculty at UIC. Finalists are chosen by distinguished panel of judges personally familiar with entrepreneurship who represent the sponsors and other groups;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 19, 1998, as CHICAGOLAND ENTREPRENEURSHIP HALL OF FAME DAY in Illinois.

Issued by the Governor January 12, 1998.

Filed by the Secretary of State January 15, 1998.

98-9

LICENSED PRACTICAL NURSE WEEK

Whereas, the maintenance of good health care is of primary concern to everyone; and

Whereas, the role of the licensed practical nurse in caring for people's health needs has advanced in responsibility and complexity; and

Whereas, the Licensed Practical Nurse Association of Illinois encourages the continuance of education to ensure competency among its members; and

Whereas, the Licensed Practical Nurse Association of Illinois is holding its annual convention March 22-25, 1998, in Alton, Illinois, at the Holiday Inn. This year's theme is "LPN's Entering the Millennium";

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 22-28, 1998, as LICENSED PRACTICAL NURSE WEEK in Illinois in recognition of these dedicated men and women.

Issued by the Governor January 12, 1998.

Filed by the Secretary of State January 15, 1998.

98-10

ARGONNE NATIONAL LABORATORY DAY

Whereas, Argonne National Laboratory is a world-recognized leader in scientific research and development; and

Whereas, scientific and technological research at the Laboratory has led to significant advances in energy, materials and chemistry, health and biotechnology, environmental technology, computational science, high-energy and nuclear physics, and nuclear non-proliferation; and

Whereas, the Laboratory has played and continues to play a significant role in the emergence of the State of Illinois as a national center for science and technology; and

Whereas, the Laboratory enthusiastically cooperates with existing and new Illinois companies, believing that strengthening Illinois' technological base will create new jobs here and improve every citizen's quality of life; and

Whereas, the Laboratory also conducts joint research with, and opens its facilities to students and researchers from, Illinois' major universities; and

Whereas, a key site for such research at Argonne is the Advanced Photon Source, a unique machine capable of producing the nation's most brilliant X-ray beams for research, and a facility selected by Science magazine as representing

PROCLAMATIONS

one of the world's top 10 scientific breakthroughs of 1997; and

Whereas, Argonne National Laboratory and the people of the State of Illinois this day dedicate the Argonne Guest House, a State-funded user residence serving visiting scientists pursuing cutting-edge research at the Advanced Photon Source;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim January 22, 1998, as ARGONNE NATIONAL LABORATORY DAY in Illinois.

Issued by the Governor January 12, 1998.

Filed by the Secretary of State January 15, 1998.

98-11

OPERATION HOPE FOR THE CHILDREN DAY

Whereas, Operation Hope for the Children had drawn together churches, industry, educators, civic leaders and community leaders and their families in the abandoned cities of our nation; and

Whereas, Operation Hope for the Children works to reestablish and strengthen family values; and

Whereas, Operation Hope for the Children exists to secure our neighborhood youth for leadership; and

Whereas, Operation Hope for the Children assists in building independent pride back into our communities; and

Whereas, Operation Hope for the Children distributes food, clothing and medical supplies to our needy children; and

Whereas, Operation Hope for the Children challenges children to pursue their dreams through the Destiny School Assembly Program;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 7, 1998, as OPERATION HOPE FOR THE CHILDREN DAY in Illinois.

Issued by the Governor January 12, 1998.

Filed by the Secretary of State January 15, 1998.

98-12

REMEMBER THE MAIN DAY

Whereas, Honor America, Inc. has been named the official sponsor in Brevard County (Florida) for the centennial celebration of the Spanish-American War; and

Whereas, Honor America, Inc. had its beginning in South Brevard County, Florida, in 1971 as a committee of what was then the Melbourne Area Chamber of Commerce. Committee Chairman John O. Cooper of Satellite Beach, a retired U.S. Army officer, founded and established the chamber unit; and

Whereas, the purpose of Honor America, Inc. is to re-awaken in citizens, through non-partisan, non-political, and non-sectarian efforts and activities, a sense of pride in American traditions, ideals and accomplishments, and to instill devotion and admiration for our country; and

Whereas, through the efforts of its members and, on occasion, co-sponsoring organizations, Honor America, Inc. originates, organizes, promotes and, in many cases, operates public service projects such as a speakers bureau, essay contests, patriotic and historical movie showings, scholarships, band concerts, patriotic celebrations, and displays of patriotic

PROCLAMATIONS

and historical items to generate interest in local as well as national heritage; and

Whereas, Honor America's first program for 1998 is a memorial for the 260 men that lost their lives in the sinking of the Battleship Maine in Havana Harbor on February 15, 1898; and

Whereas, of these gallant men, nine were listed as coming from Illinois. They are: Fred Blomberg (Chicago), Reinhardt Grupp (Chicago), Carlton Jencks (LaSalle County), Thomas Jones (Ottawa), Edward F. Kean (Chicago), John Matza (E. St. Louis), A.H. Richter (Chicago), John Skillington (Chicago) and Albert Wilson (Chicago);

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 15, 1998, as REMEMBER THE MAINE DAY in Illinois.

Issued by the Governor January 12, 1998.

Filed by the Secretary of State January 15, 1998.

98-13

GLENVIEW MIDDLE SCHOOL SYMPHONIC AND CONCERT BAND

Whereas, the Glenview Middle School Symphonic and Concert Band from East Moline has been selected to represent the State of Illinois in the 1998 National Festival of the States in Washington, D.C. on April 5-10, 1998; and

Whereas, under the direction of Mr. James Weir, the Glenview Middle School Symphonic and Concert Band was selected to attend on the basis of recommendations from State music officials, superior performance ratings and past competition results; and

Whereas, a successful musical performance requires a great deal of dedication, practice and self-discipline; and

Whereas, this experience will serve these young ambassadors of Illinois well as they move forward in life to confront the future challenges of high school, college and the workplace; and

Whereas, the outstanding musical ability and dedication of this band has brought its members a richly earned reputation for excellence, and their performance brings great credit to themselves, their families, Glenview Middle School, the East Moline community and the State;

Therefore, I, Jim Edgar, Governor of the State of Illinois, commend GLENVIEW MIDDLE SCHOOL SYMPHONIC AND CONCERT BAND of East Moline for being selected to participate in the 1998 National Festival of the States.

Issued by the Governor January 13, 1998.

Filed by the Secretary of State January 15, 1998.

98-14

POLISH DAILY NEWS-DZIENNIK ZWIAZKOWY DAY

Whereas, the Polish Daily News-Dziennik Zwiazkowy will celebrate at the Chateau Ritz on Milwaukee Avenue, in Niles, with a banquet in recognition of its 90th Anniversary; and

Whereas, the Polish Daily News-Dziennik Zwiazkowy is one of the largest daily newspapers in the Polish language which has served Illinois' second largest immigrant group since 1908; and

Whereas, Edward Moskal is a President, Emily Leszczynski is a Manager, and

PROCLAMATIONS

Wojciech Bialasiewicz is an Editor-in-Chief of the Polish Daily News-Dziennik Zwiazkowy; and

Whereas, the Polish Daily News-Dziennik Zwiazkowy has provided invaluable services to the Polish American citizens by informing them of national and local news, current events and other important issues pertaining to the Polish American community; and

Whereas, the Polish Daily News-Dziennik Zwiazkowy supports important issues of the Polish American community such as ratification of Poland's membership in NATO by the U.S. Senate; and

Whereas, the dedication of the Polish Daily News-Dziennik Zwiazkowy in continuing the tradition, culture and heritage can make the Polish American community proud;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim January 18, 1998, as POLISH DAILY NEWS-DZIENNIK ZWIAZKOWY DAY in Illinois.

Issued by the Governor January 13, 1998.

Filed by the Secretary of State January 15, 1998.

98-15

AFRICAN AMERICAN HISTORY MONTH

Whereas, Dr. Carter G. Woodson, coal miner, teacher and author, founded the Association for the study of Afro-American Life and History, Inc., in 1915 in Chicago; and

Whereas, Dr. Woodson also initiated Negro History Week in 1926 to recognize the past and present contributions made by African Americans in the development of our city and country; and

Whereas, African American History Month will be commemorated throughout the month of February in Chicago with seminars, storytelling, plays, concerts, music, dancing, art, films, family workshops, and other expressions of creativity and pride; and

Whereas, Dr. Woodson's dream for the association was to achieve sociological and historical data, publish books, promote the study of Black History through clubs and schools, and encourage racial harmony; and

Whereas, African American History inspires all Americans to be more aware of African Americans and their experiences and achievements in every area of endeavor;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 1998 as AFRICAN AMERICAN HISTORY MONTH in Illinois and urge all citizens to be cognizant of the events arranged both this month and every day of the year.

Issued by the Governor January 16, 1998.

Filed by the Secretary of State January 26, 1998.

98-16

BARBARA G. HAYSKAR DAY

Whereas, Barbara G. Hayskar became President of the Northbrook Chamber of Commerce & Industry in February 1988; and

Whereas, Barbara has worked diligently to advance the commercial, retail and industrial community of the Village of Northbrook; and

PROCLAMATIONS

Whereas, Barbara has worked in harmony with the officials of the Village of Northbrook, the Northbrook Park District, the Northbrook Public Library and the Northbrook School Districts to advance common interests; and

Whereas, through her role as President, she has worked along side of many Northbrook organizations to advance the civic and social interests of the community; and

Whereas, Barbara has completed 10 years of dedicated service to the Northbrook Chamber of Commerce & Industry;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 13, 1998, as BARBARA G. HAYSKAR DAY in Illinois.

Issued by the Governor January 16, 1998.

Filed by the Secretary of State January 26, 1998.

98-17

FFA WEEK

Whereas, agriculture, Illinois' largest and most productive industry, is vital to the future progress and prosperity of our State; and

Whereas, the FFA makes a positive difference in the lives of students by developing their potential for premier leadership, personal growth and career success through agricultural education; and

Whereas, in keeping with this purpose, the National FFA adopted "FFA - Building the Future" as its national theme; and

Whereas, the State FFA theme is "Fueling the Flame" signifying the constant change of agricultural industries and challenges FFA members to develop those qualities which enable them to pursue future success; and

Whereas, the future lies in the hands of a new generation of agriculturists and more than 14,250 FFA members are preparing for careers in agriculture; and

Whereas, millions of Americans, both urban and rural, have benefited from the efforts of the FFA, and today thousands of young people are developing the leadership to meet the future challenges in agriculture;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 21-28, 1998, as FFA WEEK in Illinois and strongly urge all citizens to strive to understand, encourage and support the dedication and ideals of agricultural education and the Illinois Association FFA.

Issued by the Governor January 16, 1998.

Filed by the Secretary of State January 26, 1998.

98-18

FINANCIAL AID/ADMISSION AWARENESS MONTH

Whereas, the State of Illinois has a strong commitment to the intellectual growth and career development of all its citizens; and

Whereas, the State of Illinois has fostered the development of an impressive complement of public and private programs of higher education; and

Whereas, a network of student financial assistance programs consisting of grants, scholarships, loans, and work-study provides access to these educational opportunities for thousands of citizens each year; and

Whereas, the Illinois Student Assistance Commission's (ISAC)

PROCLAMATIONS

responsibilities include administering grant, scholarship, and loan programs and providing initiatives to encourage families to begin saving early for post-secondary education; and

Whereas, ISAC and the State's student financial aid community and the State's college admission community will assist families by providing a student financial aid and admission helpline February 1-4; a 1998 FAFSA Completion Day for College at nine sites throughout Illinois February 8; and a website (www.iaam.org);

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 1998 as FINANCIAL AID/ADMISSION AWARENESS MONTH in Illinois and I encourage those who seek early academic and financial planning, financial assistance, or admission information for higher education to take advantage of the opportunity to become more aware of financial aid programs and the college selection process.

Issued by the Governor January 16, 1998.

Filed by the Secretary of State January 26, 1998.

98-19

GRANT MIDDLE SCHOOL 7TH GRADE GIRLS
BASKETBALL TEAM CONGRATULATED

Whereas, the Seventh Grade Girls Basketball Team at Grant Middle School recently won the class 7AA IESA State Tournament Championship after defeating Mount Zion, 46-41, in the final game; and

Whereas, the team finished with a perfect 22-0 record; and

Whereas, the Grant Middle School team was guided by Head Coach Lori Smith and Assistant Coach Ken Dobucki, with the assistance of Managers Abby Davis, Amanda Woods, Lara Little, Ashley Eggebrecht and Lisa Freund; and

Whereas, the championship team consists of Hayley Pierson, Jenny Southworth, Sarah Fisher, Megan Cavender, Erica Quandahl, Meagan Tsupros, Erika Mahon, Katie Ruff, Janelle Dobson, Christine Van De Kerckhove, Julia Lindley and Kate Martin; and

Whereas, this is the first girls Class 7AA State basketball championship in the history of Grant Middle School;

Therefore, I, Jim Edgar, Governor of the State of Illinois, would like to congratulate the Grant Middle School 7th Grade Girls Basketball Team on winning the 1997 7AA State basketball championship. Through your hard work and determination, you have set a wonderful example for your classmates, your school and the City of Springfield.

Issued by the Governor January 16, 1998.

Filed by the Secretary of State January 26, 1998.

98-20

IRV KUPCINET DAY

Whereas, Chicago Sun-Times columnist Irv Kupcinet will celebrate the 55th anniversary of his popular Kup's Column with a reception in his honor held on Friday, January 16, at the Sun-Times Building; and

Whereas, Kup's Column debuted January 18, 1943, four years before I was born; and

PROCLAMATIONS

Whereas, Kup's Column has been reporting on This Toddlin' Town longer than any other column in the country; and

Whereas, Kup's Column has not only focused on the people and events in Chicago, but also gets the scoop on national newsmakers, such as the time Kup traveled to England and crashed the rehearsal of Queen Elizabeth's coronation; and

Whereas, Kup and his beloved Essee have been married for 57 years and have one son, Jerry, who with his wife Susan have given them two grandchildren, Kari and David; and

Whereas, Kup has been involved with many charities throughout his career, and is the founder and host of the annual Chicago Sun-Times Purple Heart Cruise for Veterans, now in its 53rd year; and

Whereas, Kup's Show, which premiered in 1959 and ran for 27 years, won a record 16 local Emmy awards, and was honored with the coveted Peabody Award; and

Whereas, the Wabash Avenue Bridge was renamed the Irv Kupcinet Bridge in 1986, in observance of his 50th year with the newspaper; and

Whereas, Kup began a professional football career with the Philadelphia Eagles and was a member of the 1935 College All-Star football team; he later served as a referee in the National Football League for 10 years and broadcast Chicago Bears football games on the radio with Jack Brickhouse for 24 years; and

Whereas, Kup has made cameo appearances in movies, written books, and currently provides commentary on the local CBS News,

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim January 18, 1998, as IRV KUPCINET DAY in Illinois.

Issued by the Governor January 16, 1998.

Filed by the Secretary of State January 26, 1998.

98-21

JOHN RECORDS LANDECKER DAY

Whereas, since first coming to Chicago more than 25 years ago, John Records Landecker has entertained hundreds of thousands of listeners; and

Whereas, Landecker is currently heard on the air each weekday morning from 5:30-10 a.m. on WJMK-FM, Oldies 104.3; and

Whereas, Landecker was saluted as one of the most influential disc jockeys in rock music history when he was featured in one of the inaugural exhibits in the Rock and Roll Hall of Fame and Museum; and

Whereas, his band, Landecker & the Legends, has produced four albums of news parody songs, including one about the State plane catching on fire, which have raised more than \$80,000 for Lambs Farm; and

Whereas, Landecker participates, attends and promotes hundreds of public service and charity functions in the greater Chicago area each year; and

Whereas, John Records Landecker was named 1997 Best Morning Personality by the Air Awards; and

Whereas, Landecker ranks number one with listeners aged 35-49 and is one of the top 10 morning hosts for all ages;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim January 26, 1998, as JOHN RECORDS LANDECKER DAY in Illinois.

PROCLAMATIONS

Issued by the Governor January 16, 1998.
Filed by the Secretary of State January 26, 1998.

98-22

PATRICK T. MOLLOY DAY

Whereas, Patrick T. Molloy, Assistant General Manager of McCormick Place, will retire on January 31, 1999; and

Whereas, Mr. Molloy first became associated with McCormick Place as an Operating Engineer on October 5, 1970; and

Whereas, Mr. Molloy was promoted to Director of Building Operations in 1981; and

Whereas, Mr. Molloy ably served the Authority as Acting General Manager of McCormick Place from May 13, 1991, to July 20, 1992; and

Whereas, Mr. Molloy was promoted to Assistant General Manager of McCormick Place on April 19, 1993; and

Whereas, Mr. Molloy contributed greatly to the operation of the McCormick Place complex during his more than 27 years of service; and

Whereas, Mr. Molloy was invaluable in the design and construction phases of two major building expansions; and

Whereas, Patrick Molloy is commended for his work at McCormick Place and the Metropolitan Pier and Exposition Authority;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim January 31, 1998, as PATRICK T. MOLLOY DAY in Illinois for his hard work and many contributions to McCormick Place and its customers.

Issued by the Governor January 16, 1998.

Filed by the Secretary of State January 26, 1998.

98-23

SCHOOL SOCIAL WORK WEEK

Whereas, the more than 2,200 school social workers in Illinois provide services to thousands of school children in regular and special education settings to help these children maximize their learning potential and experience school success; and

Whereas, school social workers assist the most vulnerable children and adolescents, including children with handicaps, abused and neglected children, low-income and minority children, pregnant teens, suicidal teens, potential dropouts, substance abusers, and other at-risk children and youths; and

Whereas, school social workers help parents and school personnel bridge the gap between home and school, coordinating community services to meet special need of children and families; and

Whereas, school social workers work closely with school administrators, teachers, and other education professionals to help schools develop programs that are flexible and responsive to individual student needs; and

Whereas, school social workers advocate for schools, families, children, and youth in the legislative arena by supporting proposals to stabilize school funding, improve programs for at-risk children and youth, and offer training in conflict resolution and peer mediation to school children;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March

PROCLAMATIONS

8-14, 1998, as SCHOOL SOCIAL WORK WEEK in Illinois.

Issued by the Governor January 16, 1998.

Filed by the Secretary of State January 26, 1998.

98-24

VIVIAN ADAMS, HOMER RANDOLPH, DR. LILLIAN PARKS COMMEMORATE

Whereas, Dr. Martin Luther King, Jr., was the main leader of the civil rights movement in the United States during the 1950's and 1960's; and

Whereas, he lead the Montgomery, Alabama, bus boycott resulting in a federal court ruling ordering the city's buses to be desegregated; and

Whereas, Dr. King choose the teachings on nonviolent protest from leaders such as Mohandas Gandhi and visited India in 1959 to acquire a more thorough understanding of Gandhi's principles of nonviolent persuasion; and

Whereas, Dr. King was jailed during segregation protests in Birmingham, Alabama, where he acknowledged that individuals had the moral right and responsibility to disobey unjust laws; and

Whereas, in 1963, King led the march on Washington to highlight African-American unemployment and to urge Congress to pass President John F. Kennedy's Civil Rights Bill; and

Whereas, Dr. King was named by Time Magazine as the Man of the Year in 1963, and won the 1964 Nobel Peace Prize for leading nonviolent civil rights demonstrations; and

Whereas, Dr. King delivered his "I Have a Dream Speech" which became known as one of the most eloquently defined and moral speeches in the history of the civil rights movement; and

Whereas, the day before Dr. King was assassinated he delivered a speech acknowledging "We've got some difficult days ahead;" and

Whereas, the United States Congress passed the Civil Rights Act of 1968 shortly after Dr. King's untimely death;

Therefore, I, Jim Edgar, Governor of the State of Illinois commend Vivian Adams, co-founder and General Chair Person; Homer Randolph, co-founder; Dr. Lillian Parks, Program Coordinator; the committee members and the citizens of the Metro East area for keeping Dr. King's legacy alive.

Issued by the Governor January 16, 1998.

Filed by the Secretary of State January 26, 1998.

98-25

FOREIGN LANGUAGE WEEK

Whereas, Alpha Mu Gamma, the national collegiate foreign language honorary society, was founded at Los Angeles City College in 1931 to recognize achievement in the field of foreign language study and to encourage interest in the study of foreign languages, literatures and cultures; and

Whereas, there are more than 300 Alpha Mu Gamma chapters at colleges and universities across the United States; and

Whereas, the Illinois Council on the Teaching of Foreign Languages is the largest foreign language teachers organization in the State, with some 1,800 members and 14 affiliate organizations; and

Whereas, Alpha Mu Gamma works with the Illinois Council on the Teaching of

PROCLAMATIONS

Foreign Languages to promote a week dedicated to the recognition of the importance of foreign language study; and

Whereas, the first National Foreign Language Week was proclaimed in 1957 by President Dwight Eisenhower, and its 41st anniversary will be celebrated in 1998;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 2-8, 1998, as FOREIGN LANGUAGE WEEK in Illinois.

Issued by the Governor January 20, 1998.

Filed by the Secretary of State January 26, 1998.

98-26

FRANCES ELIZABETH CAROLINE WILLARD DAY

Whereas, February 17, 1998, is the 100th anniversary of the death of Frances Elizabeth Caroline Willard; and

Whereas, Frances Willard was an incomparable organizer, leader, temperance and prohibition advocate, suffragist, agitator for the rights of women and children, protector of the home, friend of labor, author, editor, lecturer, educator, and distinguished worker for peace and human welfare; and

Whereas, in Illinois she became one of the first women to become president of a college granting degrees to women (the Evanston College for Ladies) and later the first dean of women (Northwestern University); and

Whereas, Frances Willard was the first woman to speak before the Senate of the State of Illinois; and

Whereas, she founded, organized, sponsored and encouraged the beginnings of many organizations that 100 years later continue to prosper; and

Whereas, Frances Willard devoted her life to the cause of humanity and today stands as a symbol among the splendid women of her day who had to fight to prove that both responsibility for, and the guidance of, human affairs belong to women as well as to men;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 17, 1998, as FRANCES ELIZABETH CAROLINE WILLARD DAY in Illinois.

Issued by the Governor January 20, 1998.

Filed by the Secretary of State January 26, 1998.

90-27

LAND SURVEYORS' MONTH

Whereas, land surveying is one of the oldest technical services of mankind and our complex civilization depends more and more on surveyors' skills and accuracy to determine property rights and methods of design and construction; and

Whereas, the surveying skills of George Washington, the Commander-in-Chief of our Revolutionary Forces, may have had considerable influence on the winning of our national independence since Washington, a land surveyor before the war, directed the planning of military operations and selected the battle sites; and

Whereas, more than 80 years later when the States were threatened by a cruel division, another great president and former surveyor, Abraham Lincoln, was recognized as the "Savior of Our Country" after directing the campaigns that preserved our nation;

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Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 1998 as LAND SURVEYORS' MONTH in Illinois in recognition of the two "Land Surveyor Presidents," George Washington and Abraham Lincoln, whose birthdays are observed this month.

Issued by the Governor January 20, 1998.

Filed by the Secretary of State January 26, 1998.

90-28

PET WEEK

Whereas, the Illinois State Veterinary Medical Association (ISVMA) and its member veterinarians dedicate their efforts and resources to the health, safety, and well-being of animals; and

Whereas, it is the objective of the ISVMA to advance the science of veterinary medicine, including its relationship to public health, biological sciences, and agriculture; and

Whereas, the ISVMA is the voice of the veterinary profession in Illinois in presenting its views to government, academia, agriculture, pet owners, the media, and the public; and

Whereas, the ISVMA maintains an ongoing working relationship with the Departments of Professional Regulation, Public Health, Agriculture, and the University of Illinois, College of Veterinary Medicine; and

Whereas, it is estimated that there are more than 5,000,000 domesticated dogs and cats in Illinois;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 3-9, 1998, as PET WEEK in Illinois.

Issued by the Governor January 20, 1998.

Filed by the Secretary of State January 26, 1998.

90-29

SISTERS WITH PEARLS INTEREST GROUP OF
ALPHA KAPPA ALPHA SORORITY, INC. RECOGNIZED

Whereas, Alpha Kappa Alpha Sorority, Incorporated, is an exceptional organization of more than 140,000 women in more than 900 chapters in the United States, West Africa, the Bahamas, the Virgin Islands, Germany, Bermuda, and Korea; and

Whereas, Alpha Kappa Alpha Sorority, Incorporated, the first Greek-lettered organization for African American women, sponsors programs that promote education, health care, the family, and economic growth; and

Whereas, January 31, 1998, marks the beginning of a new chapter in Edwardsville, Illinois; and

Whereas, the Sisters with Pearls Interest Group of Alpha Kappa Alpha Sorority, Incorporated, is comprised of 17 dedicated, civic and business-minded women who realize the need for rendering services in Madison County; and

Whereas, Alpha Kappa Alpha Sorority, Incorporated, is comprised of extraordinary women world-wide and Sisters with Pearls represents a part of that group;

Therefore, I, Jim Edgar, Governor of the State of Illinois, recognize Sisters with Pearls Interest Group of Alpha Kappa Alpha Sorority, Incorporated,

PROCLAMATIONS

for its dedication and concern for the well-being of our citizens and the community and extend best wishes for continued growth and success.

Issued by the Governor January 20, 1998.

Filed by the Secretary of State January 26, 1998.

98-30

U.S.S. CONCORD CL-10 WEEK

Whereas, the four-stack light cruiser U.S.S. Concord, built in 1922, was one of the oldest combatant vessels in the Navy during World War II; and

Whereas, during the war, the U.S.S. Concord was first assigned to Southeast Pacific Forces and later to the Northern Pacific Force, participating in a dozen bombardment runs on the Kurile Island and engaging in encounters with Japanese ships; and

Whereas, the U.S.S. Concord fired the last American shot on August 12, 1945, during its last mission to destroy designated targets at Suribachi Wan Paramuchiru; and

Whereas, the crew of the U.S.S. Concord is celebrating its 53rd annual reunion in Zion, Illinois;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 21-27, 1998, as U.S.S. CONCORD CL-10 WEEK in Illinois and encourage all citizens to join with me in recognizing the members of the U.S.S. Concord for their superior contributions in defending the interests of the United States during World War II.

Issued by the Governor January 20, 1998.

Filed by the Secretary of State January 26, 1998.

98-31

EL PUENTE AWARDS DAY

Whereas, in 1985, the Governing Board of St. Augustine College established the El Puente Awards in order to recognize individuals, groups, and corporations for their outstanding commitment to the Hispanic community; and

Whereas, recipients of this award are honored for their education and services at the El Puente Awards Dinner; and

Whereas, the words El Puente are symbolic because they mean "The Bridge;" and

Whereas, St. Augustine College's mission is to be an important bridge to better employment and education, thereby supporting full participation in the life of the community;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 22, 1998, as EL PUENTE AWARDS DAY in Illinois.

Issued by the Governor January 26, 1998.

Filed by the Secretary of State January 29, 1998.

98-32

GROUNDHOG JOB SHADOW DAY

Whereas, Job Shadowing is an important step for America's youth to understand marketable skills; and

PROCLAMATIONS

Whereas, Job Shadowing gives young people the chance to learn by doing, to spend part of a day in the workplace, getting a first-hand look at what a "real job" is like; and

Whereas, Job Shadowing gives students a new vision for the future, and provides them with inspiration that can change his or her life; and

Whereas, Job Shadowing activities recognize the importance of a highly educated and trained workforce to ensure the economic prosperity of Illinois and the ability of our young citizens to participate in the global workplaces of tomorrow; and

Whereas, Job Shadowing activities will include opportunities for students and teachers to benefit from work-based learning experiences such as mentoring and job shadowing; and

Whereas, the State of Illinois supports the goals of Groundhog Job Shadow Day 1998, School-To-Work and Junior Achievement. We encourage the continuing partnership between business and education in achieving these said goals; and

Whereas, parents, educators, businesses and other members of the local community should join in celebration in an effort to guarantee each student life-long experiences;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 2, 1998, as GROUNDHOG JOB SHADOW DAY in Illinois.

Issued by the Governor January 26, 1998.

Filed by the Secretary of State January 29, 1998.

-33-

PRIDE IN FOOD SERVICE WEEK

Whereas, the Illinois Dietary Managers Association (IDMA) is an organization of more than 15,000 members nationally who manage/supervise food service departments in nursing homes, hospitals, schools, prisons, armed forces and elderly programs throughout the country; and

Whereas, members of the National Association automatically belong to the State and District Associations in their respective areas. Illinois has over 600 members organized into seven districts; and

Whereas, meetings are held at all levels of the association for the purpose of continuing education hours, discussion of professional issues of the day and for information and opinion exchanges with peers; and

Whereas, a Certified Dietary Manager must successfully complete a formal education program with a minimum of 120 hours plus work experience supervised by a Registered Dietitian; and

Whereas, the national office is located in Itasca, Illinois; and

Whereas, the National Association has selected the week of February 9-13, 1998, to recognize food service workers for their hard work and dedication to their jobs. The theme this year is "Making it Happen;"

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim

February 9-13, 1998, as PRIDE IN FOOD SERVICE WEEK in Illinois.

Issued by the Governor January 26, 1998.

Filed by the Secretary of State January 29, 1998.

Rules acted upon during the quarter of January 1 through March 31, 1998 (Issues 1-13) are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 4401 published in Issue 40 will be listed as 50-4401-40. The letter "R" designates a rule that is being repealed. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or jnatale@ccgate.sos.state.il.us (Internet address).

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